

House Bill No. 871.  
House Bill No. 870.  
House Bill No. 1004.  
House Bill No. 30.  
House Bill No. 672.  
House Bill No. 640.

### SIXTY-FOURTH DAY

(Thursday, April 27, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Dickson
Allen	Donaghey
Allison	Dowell
Alsup	Dwyer
Anderson	Faulkner
Bailey	Felty
Baker	Ferguson
of Fort Bend	Fuchs
Baker of Grayson	Galbreath
Bell	Gilmer
Blankenship	Goodman
Boethel	Gordon, Mrs.
Bond	Hale
Boyd	Hamilton
Boyer	Hankamer
Bradbury	Hardeman
Bradford	Hardin
Bray	Harp
Bridgers	Harper
Broadfoot	Harrell of Bastrop
Brown of Cherokee	Harrell of Lamar
Brown	Harris
of Nacogdoches	Hartzog
Bundy	Heflin
Burkett	Holland
Burney	Howard
Cauthorn	Howington
Celaya	Hull
Chambers	Hunt
Clark	Isaacks
Cleveland	Johnson of Ellis
Cockrell	Johnson of Tarrant
Coleman	Keith
Colquitt	Kennedy
Colson, Mrs.	Kern
Cornett	Kerr
Corry	Kersey
Crossley	Kinard
Daniel	King
Davis of Jasper	Langdon
Davis of Upshur	Lehman
Dean	Leonard
Derden	Leyendecker
Dickison	Little

Lock	Russell
Loggins	Schuenemann
London	Segrist
Mays	Shell
McAlister	Skiles
McDaniel	Smith of Frio
McDonald	Smith of Hopkins
McFarland	Smith
McMurry	of Matagorda
McNamara	Spencer
Mohrmann	Stinson
Monkhouse	Stoll
Montgomery	Talbert
Morris	Tarwater
Newell	Taylor
Nicholson	Tennant
Oliver	Thornberry
Pace	Thornton
Petsch	Turner
Pevehouse	Vale
Piner	Vint
Pope	Voigt
Ragsdale	Waggoner
Reader of Bexar	Weldon
Reader of Erath	Wells
Reaves	Westbrook
Reed	White
Rhodes	Wilson
Riviere	Winfree
Roach	Wood
Roberts	Worley
Robinson	Wright

Absent—Excused

Fielden

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Into Thy presence, our Heavenly Father, we come this morning with gratitude for the preservation of our lives and every material and spiritual blessing. Grant to us a better understanding of Thyself that we may properly value our opportunities to serve Thee each day. Do Thou give us a meeting of minds that there may be finality of action upon important matters before us. In Christ's name. Amen."

### LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Ragsdale and Mr. Fuchs, temporarily for this morning, on motion of Mr. Stoll.

Mr. Kinard for today, on motion of Mr. Montgomery.

Mr. Fielden for today, on account of important committee work, on motion of Mr. Leonard.

### EXPRESSING GRATITUDE FOR DEEDS OF CONFEDERATE SOLDIERS

Mr. Ferguson offered the following resolution:

H. S. R. No. 250, Expressing Gratitude for deeds of Confederate soldiers.

Whereas, This the 26th day of April is the day set aside by the United Daughters of the Confederacy to decorate the graves of our glorious Confederate dead and to pay homage to their deeds of bravery and gallantry; and

Whereas, Many of the Members of the House of Representatives are descendants of these men who glorified the cause for which they fought and wrote their names high in the annals of history; therefore, be it

Resolved by this body, That we bow in acknowledgment of their great deeds and express our pride in the fact that our Fathers and Grandfathers were Confederate soldiers; and, be it further

Resolved, That when we adjourn today we do so in honor and in memory of the Confederate soldiers.

FERGUSON,  
LANGDON.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Colson, Mrs., Corbett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Darden, Dickson, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Gordon, Mrs., Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurtry, McNamara, Mohrmann, Monkhouse, Montgomery, Mor-

ris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Leyendecker, the names of all the Members of the House were added to the resolution, as signers thereof.

The resolution was unanimously adopted.

### EXTENDING CONGRATULA- TIONS OF THE HOUSE

Mr. Kern offered the following resolution:

H. S. R. No. 251, Extending congratulations of the House to Mr. R. R. (Uncle Bob) Williams.

Whereas, Mr. R. R. (Uncle Bob) Williams of Cumby, Texas, was a valuable and distinguished Member of the House of Representatives in the Twenty-seventh, Thirty-third and Thirty-fourth Legislatures; and

Whereas, He is the only surviving Member of the Twenty-seventh and Thirty-fourth Legislatures; and

Whereas, Uncle Bob, as he is commonly called, has been honored by Hopkins County by being elected to the position of Justice of Peace and as a County Commissioner and rendered a most valuable service in those capacities; and

Whereas, He was a distinguished soldier in the Civil War and distinguished himself for his bravery and valiant participation for the cause of the Confederacy; and

Whereas, He once was a candidate for Governor of the State of Texas, having been defeated in the run-off by the Honorable Thomas Mitchell Campbell by a small vote; and

Whereas, Uncle Bob is celebrating his one hundredth birthday at his home in Cumby, on May 1st; and

Whereas, The citizens of Hopkins County and other parts of Texas are honoring him on that occasion; now, therefore be it

Resolved, That the Members of the House of Representatives of the

Forty-sixth Legislature extend to him their congratulations for having lived such an honorable and worthwhile life, and attained such a ripe old age; and our best wishes for many happy birthdays to follow; and, be it further

Resolved, That the Chief Clerk be instructed to send a copy of this resolution to Uncle Bob at his home in Cumby, Texas.

KERN,  
SMITH of Hopkins.

The resolution was read second time.

Signed — Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kerr, Kerssey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Davis of Upshur, the names of all the Members of the House were added to the resolution, as signers thereof.

The resolution was unanimously adopted.

#### AUTHORIZING THE TEXAS LIVESTOCK SANITARY COMMISSION TO DISPOSE OF CERTAIN FENCE

Mr. Ragsdale offered the following resolution:

H. C. R. No. 114, Authorizing the Texas Livestock Sanitary Commission to dispose of certain fence.

Whereas, During the Regular Session of the Forty-third Legislature, 1933, a bill was passed authorizing the construction of a wire fence between the Counties of Houston and Trinity for the purpose of keeping tick infested cattle from Trinity County from going into Houston County; and

Whereas, This fence is dilapidated and destroyed in some instances; and

Whereas, Trinity County has been cleaned of ticks and said fence is no longer needed; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Texas Livestock Sanitary Commission be authorized to sell or dispose of the fence to the best advantage of the State; and, be it further

Resolved, That any moneys received from the disposal of the wire be turned over to the State Treasurer to be deposited in the General Fund.

The resolution was read second time, and was adopted.

#### AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 84

Mr. Smith of Matagorda offered the following resolution:

H. C. R. No. 116, Authorizing certain correction in House Bill No. 84.

Whereas, House Bill No. 84 has passed the House and Senate; and

Whereas, Said bill was sent to the Governor's office for his signature; and

Whereas, It was found that the bill needed a correction and it has been recalled from the Governor's office for that purpose; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to insert the word "not" after the word "spread" and before the word "greater" in Section 1 of said bill.

The resolution was read second time, and was adopted.

**EXTENDING INVITATION TO  
HOLD NEXT QUADRENNIAL  
CONVENTION IN TEXAS**

Mr. Wood offered the following resolution:

H. C. R. No. 115, Extending invitation to Delegates of the Quadrennial Convention to hold the next convention in Texas.

Whereas, Governor W. Lee O'Daniel has repeatedly emphasized the importance of attracting capital and industry to Texas; and

Whereas, The citizens of Texas are vitally interested in letting the people of the United States know of the opportunities and possibilities afforded by our State; and

Whereas, On May 8, 1939, the Quadrennial Convention of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees will convene in Toronto, Canada; and

Whereas, This Convention will undoubtedly attract a large number of delegates from all over the United States and Canada; and

Whereas, The next Quadrennial Convention of the said Brotherhood will convene in May of 1943; and

Whereas, Many citizens of Texas are interested in securing this Convention for our State; and

Whereas, Dallas, Texas, has been mentioned as one of the cities desiring to act as host for the next Convention; now, therefore, be it

Resolved, That the House of Representatives of the Forty-sixth Legislature of the State of Texas, the Senate concurring, do hereby extend to the delegates of the Convention convening in Toronto, Canada, a most cordial invitation to hold their next Quadrennial Convention in the State of Texas; and, be it further

Resolved, That a copy of this resolution be forwarded to the President of said Brotherhood.

WOOD,  
MORRIS,  
REED.

The resolution was read second time, and was adopted.

**SENATE BILL NO. 6 ON THIRD  
READING**

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 6, A bill to be entitled "An Act declaring the floods of Harris County, Texas, to be a public calamity; authorizing a donation and grant to Harris County Flood Control District of one-half of the State ad valorem taxes collected in Harris County for flood control improvement and maintenance purposes, etc., and declaring an emergency."

The bill was read third time.

Mr. Hale offered the following amendment to the bill:

Amend Senate Bill No. 6, by striking out the words and figures "ten (10) years" wherever they appear in the printed bill, and substituting in lieu thereof the words and figures "two (2) years".

Mr. Morris moved that further consideration of Senate Bill No. 6 be postponed until 2:30 o'clock p. m., next May 7.

Mr. Winfree moved to table the motion to postpone.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—80

Allison	Dwyer
Anderson	Faulkner
Baker	Ferguson
of Fort Bend	Galbreath
Blankenship	Gilmer
Boethel	Gordon, Mrs.
Bond	Harp
Boyer	Hankamer
Bradford	Harper
Bridgers	Harrell of Bastrop
Bundy	Hartzog
Cauthorn	Heflin
Celaya	Howard
Chambers	Hull
Cleveland	Johnson of Ellis
Cockrell	Johnson of Tarrant
Coleman	Kersey
Colson, Mrs.	Kinard
Daniel	King
Davis of Jasper	Lehman
Davis of Upshur	Leyendecker
Derden	Little
Dickison	Lock
Dickson	Loggins

London	Robinson
McAlister	Schuenemann
McDaniel	Shell
McDonald	Smith of Frio
McMurry	Smith of Hopkins
McNamara	Smith
Monkhouse	of Matagorda
Montgomery	Stinson
Nicholson	Tarwater
Oliver	Taylor
Pace	Thornton
Pevehouse	Turner
Pope	Vale
Reader of Bexar	Westbrook
Reader of Erath	Wilson
Reed	Winfree
Riviere	Wright

## Nays—52

Allen	Kerr
Bailey	Langdon
Baker of Grayson	Mays
Bell	McFarland
Boyd	Mohrmann
Bradbury	Morris
Brown of Cherokee	Newell
Brown	Petsch
of Nacogdoches	Piner
Burkett	Reaves
Burney	Roach
Clark	Roberts
Cornett	Russell
Crossley	Segrist
Dean	Skiles
Donaghey	Spencer
Dowell	Stoll
Goodman	Talbert
Hale	Tennant
Hardeman	Thornberry
Hardin	Voigt
Harrell of Lamar	Waggoner
Howington	Weldon
Hunt	Wells
Keith	Wood
Kennedy	Worley
Kern	

## Present—Not Voting

Colquitt

## Absent

Alsup	Holland
Bray	Isaacks
Broadfoot	Leonard
Corry	Rhodes
Felty	Vint
Hamilton	White
Harris	

## Absent—Excused

Fielden	Ragsdale
Fuchs	

Mr. Hardin moved the previous question, on the pending amendment,

and the final passage of Senate Bill No. 6, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—80

Allison	Kersey
Anderson	Lehman
Baker	Leyendecker
of Fort Bend	Little
Boethel	Lock
Bond	Loggins
Boyer	London
Bradford	McAlister
Bridgers	McDaniel
Broadfoot	McDonald
Bundy	McMurry
Cauthorn	McNamara
Celaya	Monkhouse
Clark	Montgomery
Cleveland	Nicholson
Coleman	Oliver
Colson, Mrs.	Pope
Crossley	Reader of Bexar
Daniel	Reader of Erath
Davis of Jasper	Reaves
Davis of Upshur	Riviere
Dickison	Robinson
Dickson	Schuenemann
Dwyer	Segrist
Faulkner	Shell
Ferguson	Skiles
Galbreath	Smith of Frio
Gilmer	Smith of Hopkins
Goodman	Smith
Gordon, Mrs.	of Matagorda
Hamilton	Stinson
Hankamer	Tarwater
Hardin	Taylor
Harp	Thornton
Harrell of Bastrop	Turner
Hartzog	Vale
Heflin	Westbrook
Howard	Wilson
Hull	Winfree
Johnson of Ellis	Wood
Johnson of Tarrant	Wright

## Nays—51

Allen	Burney
Bailey	Cornett
Baker of Grayson	Dean
Bell	Donaghey
Blankenship	Dowell
Boyd	Hale
Bradbury	Hardeman
Brown of Cherokee	Harrell of Lamar
Brown	Holland
of Nacogdoches	Howington
Burkett	Hunt

Keith	Reed
Kennedy	Roach
Kern	Roberts
Kerr	Russell
King	Spencer
Langdon	Stoll
Mays	Talbert
McFarland	Tennant
Mohrmann	Thornberry
Morris	Voigt
Newell	Waggoner
Pace	Weldon
Petsch	Wells
Pevehouse	White
Piner	Worley

## Present—Not Voting

Colquitt

## Absent

Alsup	Harper
Bray	Harris
Chambers	Isaacks
Cockrell	Leonard
Corry	Rhodes
Derden	Vint
Felty	

## Absent—Excused

Fielden	Kinard
Fuchs	Ragsdale

Question then recurring on the amendment by Mr. Hale, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—64

Allen	Harrell of Lamar
Allison	Holland
Bailey	Howington
Baker of Grayson	Hunt
Bell	Isaacks
Bond	Keith
Boyd	Kennedy
Bradbury	Kern
Broadfoot	Kerr
Brown of Cherokee	King
Brown of Nacogdoches	Langdon
Burkett	Mays
Burney	McFarland
Clark	Mohrmann
Cornett	Morris
Crossley	Newell
Dean	Pace
Donaghey	Pevehouse
Dowell	Piner
Galbreath	Reaves
Hale	Rhodes
Hamilton	Roach
Harper	Roberts
Harrell of Bastrop	Russell
	Segrist

Skiles	Voigt
Spencer	Waggoner
Stinson	Weldon
Stoll	Wells
Talbert	White
Tennant	Wood
Thornberry	Worley
Vint	

## Nays—67

Anderson	Lehman
Baker of Fort Bend	Leyendecker
Boethel	Little
Boyer	Lock
Bradford	Loggins
Bridgers	London
Bundy	McAlister
Cauthorn	McDaniel
Celaya	McDonald
Cleveland	McMurry
Coleman	McNamara
Colson, Mrs.	Monkhouse
Daniel	Montgomery
Davis of Jasper	Nicholson
Davis of Upshur	Oliver
Dickison	Pope
Dickson	Reader of Bexar
Dwyer	Reader of Erath
Faulkner	Reed
Ferguson	Riviere
Gilmer	Robinson
Goodman	Schuenemann
Gordon, Mrs.	Shell
Hankamer	Smith of Frio
Hardeman	Smith of Hopkins
Hardin	Smith of Matagorda
Harp	Tarwater
Hartzog	Taylor
Heflin	Thornton
Howard	Westbrook
Hull	Wilson
Johnson of Ellis	Winfree
Johnson of Tarrant	Wright
Kersey	

## Absent

Alsup	Derden
Blankenship	Felty
Bray	Harris
Chambers	Leonard
Cockrell	Petsch
Colquitt	Turner
Corry	Vale

## Absent—Excused

Fielden	Kinard
Fuchs	Ragsdale

Question recurring on the final passage of Senate Bill No. 6, yeas and nays were demanded.

Senate Bill No. 6 was then passed by the following vote:

## Yeas—76

Anderson	Kinard
Baker	King
of Fort Bend	Lehman
Boethel	Leonard
Boyer	Leyendecker
Bradford	Little
Bridgers	Lock
Bundy	Loggins
Cauthorn	London
Celaya	McAlister
Cleveland	McDaniel
Cockrell	McDonald
Colson, Mrs.	McMurry
Corry	McNamara
Daniel	Monkhouse
Davis of Jasper	Montgomery
Davis of Upshur	Nicholson
Derden	Oliver
Dickison	Piner
Dwyer	Pope
Faulkner	Reader of Bexar
Ferguson	Reader of Erath
Galbreath	Reed
Gilmer	Riviere
Goodman	Robinson
Gordon, Mrs.	Schuenemann
Hankamer	Shell
Hardin	Smith of Frio
Harp	Smith
Harrell of Bastrop	of Matagorda
Harris	Tarwater
Hartzog	Taylor
Heflin	Thornton
Holland	Turner
Howard	Vale
Hull	Westbrook
Johnson of Ellis	Wilson
Johnson of Tarrant	Winfree
Kersey	Wright

## Nays—66

Allen	Cornett
Allison	Crossley
Alsup	Dickson
Bailey	Donaghey
Baker of Grayson	Dowell
Bell	Hale
Blankenship	Hamilton
Bond	Hardeman
Boyd	Harper
Bradbury	Harrell of Lamar
Bray	Howington
Broadfoot	Hunt
Brown of Cherokee	Isaacks
Brown	Keith
of Nacogdoches	Kennedy
Burkett	Kern
Burney	Kerr
Clark	Langdon
Coleman	Mays

McFarland	Spencer
Mohrmann	Stinson
Morris	Stoll
Newell	Talbert
Pace	Tennant
Petsch	Thornberry
Pevehouse	Vint
Reaves	Voigt
Rhodes	Waggoner
Roach	Weldon
Roberts	Wells
Russell	White
Segrist	Wood
Skiles	Worley
Smith of Hopkins	

## Present—Not Voting

Colquitt

## Absent

Chambers  
Dean

Felty

## Absent—Excused

Fielden  
Fuchs

Ragsdale

Mr. Winfree moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—76

Anderson	Hardin
Baker	Harp
of Fort Bend	Harper
Boethel	Harrell of Bastrop
Boyer	Hartzog
Bradford	Heflin
Bridgers	Howard
Bundy	Hull
Cauthorn	Johnson of Ellis
Celaya	Johnson of Tarrant
Cleveland	Kersey
Cockrell	Kinard
Coleman	Lehman
Colson, Mrs.	Leyendecker
Corry	Little
Daniel	Lock
Davis of Jasper	Loggins
Davis of Upshur	London
Dickison	McAlister
Dickson	McDaniel
Dwyer	McDonald
Faulkner	McMurry
Ferguson	McNamara
Galbreath	Monkhouse
Gilmer	Montgomery
Goodman	Nicholson
Gordon, Mrs.	Oliver
Hankamer	Pope

Reader of Bexar	Stoll
Reader of Erath	Tarwater
Reed	Taylor
Riviere	Thornton
Robinson	Turner
Schuenemann	Vale
Shell	Westbrook
Skiles	Wilson
Smith of Frio	Winfree
Smith of Hopkins	Wright
Smith of Matagorda	

Nays—55

Allen	Langdon
Allison	Mays
Bailey	McFarland
Baker of Grayson	Mohrmann
Blankenship	Morris
Boyd	Newell
Bradbury	Pace
Broadfoot	Petsch
Brown of Cherokee	Pevehouse
Brown of Nacogdoches	Reaves
Burkett	Rhodes
Burney	Roach
Clark	Roberts
Cornett	Russell
Donaghey	Segrist
Dowell	Spencer
Hale	Stinson
Hamilton	Talbert
Hardeman	Tennant
Harrell of Lamar	Thornberry
Howington	Vint
Hunt	Voigt
Isaacks	Waggoner
Keith	Weldon
Kennedy	Wells
Kern	White
Kerr	Wood
	Worley

Present—Not Voting

Colquitt

Absent

Alsup	Derden
Bell	Felty
Bond	Harris
Bray	Holland
Chambers	King
Crossley	Leonard
Dean	Piner

Absent—Excused

Fielden	Ragsdale
Fuchs	

SENATE BILL NO. 75 ON THIRD  
READING

The Speaker laid before the House,  
on its third reading and final passage,

S. B. No. 75, A bill to be entitled  
"An Act to regulate Brokers who sell

transportation or who make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation, furnish information relative to such transportation, or introduce parties; to require such Brokers to have a broker's license; defining certain terms; providing for the issuance, also the cancellation, of such license by the Railroad Commission of Texas, fixing the conditions under which such license may be issued; providing that the Railroad Commission may make reasonable rules and regulations applicable to all persons holding broker's license; providing for hearings; requiring a bond; providing for reviews of orders of the Commission; fixing a tax; providing penalties, and declaring an emergency."

The bill was read third time.

Mr. Johnson of Tarrant offered the following amendment to the bill:

Amend substitute to Senate Bill No. 75 in the 13th line on page 7, by striking out the word "insurer," which is the second word on said 13th line, and by inserting in lieu thereof, the words "broker, insurance."

The amendment was adopted by the following vote:

Yeas—100

Allison	Faulkner
Bailey	Galbreath
Baker	Gilmer
of Fort Bend	Goodman
Baker of Grayson	Gordon, Mrs.
Boethel	Hale
Bond	Hamilton
Boyd	Hankamer
Boyer	Hardeman
Bradbury	Hardin
Bradford	Harp
Bray	Harper
Bridgers	Harrell of Lamar
Broadfoot	Harris
Brown of Cherokee	Heflin
Bundy	Holland
Burney	Howard
Cauthorn	Howington
Clark	Hull
Cleveland	Hunt
Cockrell	Johnson of Ellis
Coleman	Johnson of Tarrant
Colquitt	Keith
Colson, Mrs.	Kennedy
Dickison	Kern
Dickson	Kerr
Donaghey	Kersey
Dwyer	Langdon



Lehman	Reed
Leonard	Rhodes
Leyendecker	Riviere
Little	Robinson
Lock	Russell
Loggins	Schuenemann
London	Segrist
McAlister	Shell
McDaniel	Skiles
McFarland	Smith of Frio
McMurry	Smith of Hopkins
Mohrmann	Spencer
Monkhouse	Stinson
Montgomery	Stoll
Newell	Talbert
Nicholson	Tarwater
Oliver	Thornberry
Petsch	Waggoner
Pevehouse	Wells
Piner	Westbrook
Pope	Winfree
Reader of Bexar	Worley
Reader of Erath	

## Nays—24

Allen	Morris
Cornett	Pace
Crossley	Roach
Daniel	Smith
Davis of Jasper	of Matagorda
Davis of Upshur	Taylor
Derden	Thornton
Dowell	Vale
Ferguson	Weldon
Harrell of Bastrop	Wilson
Isaacks	Wood
Mays	Wright
McNamara	

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Alsup	Hartzog
Anderson	King
Bell	McDonald
Blankenship	Reaves
Burkett	Roberts
Celaya	Tennant
Chambers	Turner
Corry	Vint
Dean	Voigt
Felty	White

## Absent—Excused

Fielden	Kinard
Fuchs	Ragsdale

Mr. Johnson of Tarrant offered the following amendment to the bill:

Amend substitute to Senate Bill No. 75 in Section 8 thereof, by add-

ing a sentence at the end thereof reading, as follows:

"All money recovered, either as differences between money actually collected and that which should have been collected as penalties under this Section 8 shall become the property of and be owned by the State of Texas, as a penalty and not as a forfeiture."

The amendment was adopted by the following vote:

## Yeas—104

Allen	Isaacks
Allison	Johnson of Ellis
Alsup	Johnson of Tarrant
Bailey	Keith
Baker	Kennedy
of Fort Bend	Kern
Baker of Grayson	Kerr
Boethel	Kersey
Bond	King
Boyd	Langdon
Bradbury	Lehman
Bradford	Leonard
Bray	Leyendecker
Bridgers	Little
Broadfoot	Lock
Brown of Cherokee	Loggins
Bundy	London
Burkett	McAlister
Burney	McDaniel
Cauthorn	McMurry
Clark	Mohrmann
Cleveland	Monkhouse
Cockrell	Newell
Coleman	Nicholson
Colson, Mrs.	Oliver
Crossley	Pace
Daniel	Petsch
Davis of Jasper	Pevehouse
Dickson	Piner
Donaghey	Pope
Dwyer	Reader of Bexar
Faulkner	Reader of Erath
Ferguson	Reaves
Gilmer	Reed
Goodman	Rhodes
Gordon, Mrs.	Riviere
Hale	Roberts
Hamilton	Robinson
Hankamer	Russell
Hardeman	Schuenemann
Harp	Segrist
Harper	Shell
Harrell of Bastrop	Skiles
Harrell of Lamar	Smith of Frio
Harris	Smith of Hopkins
Hartzog	Smith
Heflin	of Matagorda
Holland	Spencer
Howington	Stinson
Hunt	Stoll

Tarwater  
Vint  
Voigt

Waggoner  
Westbrook  
Worley

### Nays—18

Cornett  
Davis of Upshur  
Derden  
Dowell  
Galbreath  
Mays  
McNamara  
Morris  
Roach

Talbert  
Taylor  
Tennant  
Thornberry  
Thornton  
Weldon  
Wells  
Wilson  
Wright

### Present—Not Voting

Brown  
of Nacogdoches

### Absent

Anderson  
Bell  
Blankenship  
Boyer  
Celaya  
Chambers  
Colquitt  
Corry  
Dean  
Dickison  
Felty

Hardin  
Howard  
Hull  
McDonald  
McFarland  
Montgomery  
Turner  
Vale  
White  
Winfree  
Wood

### Absent—Excused

Fielden  
Fuchs

Kinard  
Ragsdale

Mr. Heflin offered the following amendment to the bill:

Amend substitute to Senate Bill No. 75, Section 3, by striking out the word "any" in the fourth line of said Section and substituting therefor, the word "such," and by striking out the following words in said Section 3: "provided, however, that the provisions hereof shall not apply to a bona fide employee or agent of a motor bus company so far as concerns transportation to be furnished wholly by a motor bus company or motor bus companies," and substituting therefor the following: "provided further that the provisions hereof shall not apply to transportation of passengers on steamship lines operating between ports of this State and ports of the United States and ports of any foreign company, and transportation of passengers of any authorized carrier or carriers operating in either interstate or intrastate transportation."

The amendment was adopted by the following vote:

### Yeas—113

Allen  
Allison  
Alsup  
Bailey  
Baker  
of Fort Bend  
Baker of Grayson  
Boethel  
Bond  
Boyd  
Boyer  
Bradbury  
Bradford  
Bray  
Bridgers  
Broadfoot  
Brown of Cherokee  
Bundy  
Burney  
Cauthorn  
Clark  
Cleveland  
Cockrell  
Coleman  
Colquitt  
Colson, Mrs.  
Daniel  
Davis of Jasper  
Dickison  
Dickson  
Donaghey  
Dowell  
Dwyer  
Felty  
Ferguson  
Galbreath  
Gilmer  
Goodman  
Gordon, Mrs.  
Hale  
Hamilton  
Hankamer  
Harp  
Harrell of Bastrop  
Harrell of Lamar  
Harris  
Hartzog  
Heflin  
Holland  
Howington  
Hull  
Hunt  
Johnson of Ellis  
Johnson of Tarrant  
Keith  
Kennedy  
Kern  
Kerr

Kersey  
King  
Lehman  
Leonard  
Leyendecker  
Little  
Lock  
Loggins  
London  
McAlister  
McDaniel  
McDonald  
McMurry  
McNamara  
Mohrmann  
Newell  
Nicholson  
Oliver  
Pace  
Petsch  
Pevehouse  
Pope  
Reader of Bexar  
Reader of Erath  
Reaves  
Reed  
Rhodes  
Riviere  
Roberts  
Robinson  
Russell  
Schuenemann  
Segrist  
Shell  
Skiles  
Smith of Frio  
Smith of Hopkins  
Smith  
of Matagorda  
Spencer  
Stinson  
Stoll  
Tarwater  
Taylor  
Thornberry  
Thornton  
Vale  
Vint  
Waggoner  
Weldon  
Wells  
Westbrook  
White  
Wilson  
Winfree  
Worley  
Wright

### Nays—6

Crossley  
Davis of Upshur  
Roach

Talbert  
Tennant  
Wood

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Anderson	Harper
Bell	Howard
Blankenship	Isaacks
Burkett	Langdon
Celaya	Mays
Chambers	McFarland
Cornett	Monkhouse
Corry	Montgomery
Dean	Morris
Derden	Piner
Faulkner	Turner
Hardeman	Voigt
Hardin	

## Absent—Excused

Fielden	Kinard
Fuchs	Ragsdale

Mr. Heflin offered the following amendment to the bill:

Amend substitute to Senate Bill No. 75, Section 1, Subsection (e), by striking out the following words: "not included in the term 'motor bus company' and not a bona fide employee or agent of a motor bus company."

The amendment was adopted by the following vote:

## Yeas—122

Allison	Dickson
Alsup	Donaghey
Bailey	Dowell
Baker	Dwyer
of Fort Bend	Felty
Baker of Grayson	Ferguson
Boethel	Fuchs
Bond	Galbreath
Boyd	Gilmer
Boyer	Goodman
Bradford	Gordon, Mrs.
Bray	Hale
Bridgers	Hamilton
Broadfoot	Hankamer
Brown of Cherokee	Hardeman
Bundy	Hardin
Burkett	Harp
Burney	Harper
Cauthorn	Harrell of Bastrop
Clark	Harrell of Lamar
Cleveland	Harris
Cockrell	Hartzog
Coleman	Heflin
Colquitt	Holland
Colson, Mrs.	Howington
Crossley	Hull
Daniel	Hunt
Davis of Jasper	Isaacks
Dickison	Johnson of Tarrant

Keith
Kennedy
Kern
Kerr
Kersey
Kinard
King
Langdon
Lehman
Leonard
Leyendecker
Little
Lock
Loggins
London
McAlister
McDaniel
McDonald
McFarland
McMurry
McNamara
Mohrmann
Monkhouse
Newell
Nicholson
Oliver
Pace
Petsch
Pevehouse
Pope
Reader of Bexar
Reader of Erath
Reaves

Reed
Rhodes
Riviere
Roberts
Robinson
Russell
Schuenemann
Segrist
Shell
Skiles
Smith of Frio
Smith of Hopkins
Smith
of Matagorda
Spencer
Stinson
Stoll
Tarwater
Taylor
Thornberry
Thornton
Vale
Vint
Voigt
Waggoner
Weldon
Wells
Westbrook
White
Wilson
Winfree
Worley
Wright

## Nays—8

Allen	Roach
Cornett	Talbert
Davis of Upshur	Tennant
Morris	Wood

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Anderson	Derden
Bell	Faulkner
Blankenship	Howard
Bradbury	Johnson of Ellis
Celaya	Mays
Chambers	Montgomery
Corry	Piner
Dean	Turner

## Absent—Excused

Fielden	Ragsdale
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Mr. Johnson of Tarrant offered the following amendment to the bill:

Amend substitute to Senate Bill No. 75 in the 17th line of Section 9, by inserting the word "broker," between the words "against the" and the words "insurer, bond," etc.

The amendment was adopted by the following vote:

## Yeas—119

Allen	Keith
Allison	Kennedy
Alsup	Kern
Bailey	Kerr
Baker	Kersey
of Fort Bend	King
Baker of Grayson	Langdon
Bell	Lehman
Boethel	Leonard
Bond	Leyendecker
Boyd	Little
Boyer	Lock
Bradford	Loggins
Bray	London
Bridgers	McAlister
Broadfoot	McDaniel
Brown of Cherokee	McDonald
Bundy	McFarland
Burkett	McMurry
Burney	McNamara
Cauthorn	Mohrmann
Celaya	Monkhouse
Clark	Newell
Cleveland	Nicholson
Cockrell	Oliver
Coleman	Pace
Colquitt	Petsch
Colson, Mrs.	Pevehouse
Crossley	Pope
Daniel	Reader of Bexar
Davis of Jasper	Reader of Erath
Dickison	Reaves
Dickson	Reed
Donaghey	Rhodes
Dowell	Riviere
Dwyer	Roberts
Faulkner	Robinson
Ferguson	Russell
Fuchs	Schuenemann
Galbreath	Segrist
Gilmer	Shell
Goodman	Skiles
Gordon, Mrs.	Smith of Frio
Hale	Smith of Hopkins
Hamilton	Smith
Hankamer	of Matagorda
Hardeman	Spencer
Hardin	Stinson
Harp	Stoll
Harper	Tarwater
Harrell of Bastrop	Taylor
Harrell of Lamar	Vale
Harris	Vint
Hartzog	Voigt
Holland	Waggoner
Howington	Wells
Hull	Westbrook
Hunt	Wilson
Isaacks	Winfree
Johnson of Ellis	Worley
Johnson of Tarrant	

## Nays—12

Cornett	Tennant
Davis of Upshur	Thornberry
Derden	Thornton
Mays	Weldon
Roach	White
Talbert	Wood

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Anderson	Heflin
Blankenship	Howard
Bradbury	Montgomery
Chambers	Morris
Corry	Piner
Dean	Turner
Felty	Wright

## Absent—Excused

Fielden	Ragsdale
Kinard	

Mr. Johnson of Tarrant offered the following amendment to the bill:

Amend substitute to Senate Bill No. 75, page 6, line 3, by striking out the word "less," between the words "at" and "than" and inserting in lieu thereof, the words "a lesser or greater charge or fare."

The amendment was adopted by the following vote:

## Yeas—118

Allison	Coleman
Alsup	Colson, Mrs.
Bailey	Crossley
Baker	Daniel
of Fort Bend	Davis of Jasper
Baker of Grayson	Derden
Bell	Dickison
Boethel	Dickson
Bond	Donaghey
Bradbury	Dowell
Bradford	Dwyer
Bray	Faulkner
Bridgers	Felty
Broadfoot	Ferguson
Brown of Cherokee	Fuchs
Brown	Galbreath
of Nacogdoches	Gilmer
Bundy	Goodman
Burkett	Gordon, Mrs.
Burney	Hale
Cauthorn	Hamilton
Celaya	Hankamer
Clark	Hardeman
Cleveland	Hardin
Cockrell	Harp

Harper	Newell
Harrell of Bastrop	Nicholson
Harrell of Lamar	Oliver
Harris	Pace
Hartzog	Petsch
Holland	Pevehouse
Howard	Pope
Howington	Reader of Bexar
Hull	Reader of Erath
Isaacks	Reaves
Johnson of Ellis	Reed
Johnson of Tarrant	Rhodes
Keith	Robinson
Kennedy	Russell
Kern	Schuenemann
Kerr	Segrist
Kersey	Shell
King	Skiles
Langdon	Smith of Frio
Lehman	Smith of Hopkins
Leonard	Smith
Leyendecker	of Matagorda
Little	Spencer
Lock	Stinson
London	Stoll
Mays	Vale
McAlister	Vint
McDaniel	Voigt
McDonald	Waggoner
McFarland	Wells
McMurry	Westbrook
McNamara	Wilson
Mohrmann	Winfree
Monkhouse	Worley
Montgomery	Wright

## Nays—15

Allen	Taylor
Boyd	Tennant
Cornett	Thornberry
Davis of Upshur	Thornton
Hunt	Weldon
Roach	White
Roberts	Wood
Talbert	

## Absent

Anderson	Heflin
Blankenship	Loggins
Boyer	Morris
Chambers	Piner
Colquitt	Riviere
Corry	Tarwater
Dean	Turner

## Absent—Excused

Fielden	Ragsdale
Kinard	

Mr. Johnson of Tarrant offered the following amendment to the bill:

Amend substitute to Senate Bill No. 75, page 5, Section 6, line 5, by inserting after the word "a" and be-

fore the word "less," the following words: "greater or" and in the same line change the word "less" wherein it appears to "lesser."

The amendment was adopted by the following vote:

## Yeas—113

Allison	Johnson of Ellis
Alsup	Johnson of Tarrant
Bailey	Keith
Baker	Kennedy
of Fort Bend	Kern
Baker of Grayson	Kerr
Bell	Kersey
Blankenship	King
Boethel	Langdon
Bond	Lehman
Boyd	Leonard
Bradbury	Leyendecker
Bradford	Little
Bray	Lock
Bridgers	London
Broadfoot	McAlister
Brown of Cherokee	McDaniel
Bundy	McDonald
Burkett	McFarland
Burney	McMurry
Cauthorn	McNamara
Celaya	Mohrmann
Clark	Monkhouse
Cleveland	Newell
Cockrell	Nicholson
Coleman	Oliver
Colson, Mrs.	Pace
Crossley	Petsch
Daniel	Pevehouse
Davis of Jasper	Pope
Dickison	Reader of Bexar
Dickson	Reader of Erath
Donaghey	Reaves
Dowell	Reed
Dwyer	Rhodes
Faulkner	Riviere
Felty	Robinson
Ferguson	Russell
Fuchs	Schuenemann
Galbreath	Segrist
Gilmer	Shell
Goodman	Skiles
Gordon, Mrs.	Smith of Frio
Hale	Smith of Hopkins
Hamilton	Smith
Hankamer	of Matagorda
Hardeman	Spencer
Harp	Stinson
Harper	Stoll
Harrell of Bastrop	Tarwater
Harrell of Lamar	Vale
Harris	Vint
Holland	Voigt
Howington	Waggoner
Hull	Wells
Isaacks	Westbrook

Wilson	Wright
Worley	
Nays—16	
Allen	Talbert
Cornett	Taylor
Davis of Upshur	Tennant
Derden	Thornberry
Hunt	Thornton
Mays	Weldon
Roach	White
Roberts	Wood

Present—Not Voting

Brown  
of Nacogdoches

Absent

Anderson	Heflin
Boyer	Howard
Chambers	Loggins
Colquitt	Montgomery
Corry	Morris
Dean	Piner
Hardin	Turner
Hartzog	Winfree

Absent—Excused

Fielden	Ragsdale
Kinard	

Mr. Johnson of Tarrant offered the following amendment to the bill:

Amend substitute to Senate Bill No. 75, page 2, line 23, after the word "thereto" by changing the comma to a semi colon, and adding the following: "provided however, a carrier of passengers by rail shall never be considered a broker."

The amendment was adopted by the following vote:

Yeas—120

Allison	Cauthorn
Alsup	Celaya
Bailey	Clark
Baker	Cleveland
of Fort Bend	Cockrell
Baker of Grayson	Coleman
Bell	Colquitt
Blankenship	Colson, Mrs.
Boethel	Crossley
Bond	Daniel
Boyd	Davis of Jasper
Boyer	Davis of Upshur
Bradford	Dickison
Bray	Dickson
Bridgers	Donaghey
Broadfoot	Dowell
Brown of Cherokee	Dwyer
Bundy	Faulkner
Burkett	Felty
Burney	Ferguson

Fuchs	Monkhouse
Galbreath	Montgomery
Gilmer	Nicholson
Goodman	Oliver
Gordon, Mrs.	Pace
Hale	Petsch
Hamilton	Pevehouse
Hankamer	Pope
Hardeman	Reader of Bexar
Harp	Reader of Erath
Harper	Reaves
Harrell of Bastrop	Reed
Harrell of Lamar	Rhodes
Harris	Riviere
Hartzog	Roberts
Holland	Robinson
Howington	Russell
Hull	Schuenemann
Johnson of Ellis	Segrist
Johnson of Tarrant	Shell
Keith	Skiles
Kennedy	Smith of Frio
Kern	Smith of Hopkins
Kerr	Smith
Kersey	of Matagorda
King	Stinson
Langdon	Stoll
Lehman	Tarwater
Leonard	Taylor
Leyendecker	Thornton
Little	Vale
Lock	Vint
Loggins	Voigt
London	Waggoner
McAlister	Wells
McDaniel	Westbrook
McDonald	White
McFarland	Wilson
McMurry	Winfree
McNamara	Worley
Mohrmann	Wright

Nays—13

Allen	Spencer
Bradbury	Talbert
Cornett	Tennant
Hunt	Thornberry
Isaacks	Weldon
Newell	Wood
Roach	

Present—Not Voting

Brown  
of Nacogdoches

Absent

Anderson	Heflin
Chambers	Howard
Corry	Mays
Dean	Morris
Derden	Piner
Hardin	Turner

Absent—Excused

Fielden	Ragsdale
Kinard	

Mr. Johnson of Tarrant offered the following amendment to the bill:

Amend substitute to Senate Bill No. 75, page 5, Section 6, line 1, by inserting after the word "brokers," and before the word "shall," the following words: "in transporting or causing to be transported passengers on the highways of Texas."

The amendment was adopted by the following vote:

## Yeas—121

Allison	Harrell of Bastrop
Alsup	Harrell of Lamar
Bailey	Harris
Baker	Holland
of Fort Bend	Howard
Baker of Grayson	Howington
Bell	Hull
Blankenship	Isaacks
Boethel	Johnson of Ellis
Bond	Johnson of Tarrant
Boyer	Keith
Bradbury	Kennedy
Bradford	Kern
Bray	Kerr
Broadfoot	Kersey
Brown of Cherokee	King
Bundy	Langdon
Burkett	Lehman
Burney	Leonard
Cauthorn	Little
Celaya	Lock
Chambers	Loggins
Clark	London
Cleveland	Mays
Cockrell	McAlister
Coleman	McDaniel
Colquitt	McDonald
Colson, Mrs.	McFarland
Crossley	McMurry
Daniel	McNamara
Davis of Jasper	Mohrmann
Derden	Monkhouse
Dickison	Montgomery
Dickson	Nicholson
Donaghey	Oliver
Dowell	Petsch
Dwyer	Pevehouse
Faulkner	Pope
Felty	Reader of Bexar
Ferguson	Reader of Erath
Fuchs	Reaves
Galbreath	Reed
Gilmer	Rhodes
Goodman	Riviere
Gordon, Mrs.	Roberts
Hale	Robinson
Hamilton	Russell
Hankamer	Schuenemann
Hardeman	Segrist
Harp	Skiles
Harper	Smith of Frio

Smith of Hopkins	Vint
Smith	Voigt
of Matagorda	Waggoner
Spencer	Wells
Stinson	Westbrook
Stoll	White
Tarwater	Wilson
Taylor	Winfree
Thornberry	Worley
Thornton	Wright
Vale	

## Nays—11

Allen	Roach
Boyd	Talbert
Cornett	Tennant
Davis of Upshur	Weldon
Hunt	Wood
Newell	

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Anderson	Leyendecker
Bridgers	Morris
Corry	Pace
Dean	Piner
Hardin	Shell
Hartzog	Turner
Heflin	

## Absent—Excused

Fielden	Ragsdale
Kinard	

Mr. Johnson of Tarrant offered the following amendment to the bill:

Amend substitute to Senate Bill No. 75, page 4, line 11, by inserting after the word "of," and striking out the word "a" and before the word "broker" insert the following words, "an unlicensed."

The amendment was adopted by the following vote:

## Yeas—121

Alien	Bray
Allison	Bridgers
Alsup	Broadfoot
Anderson	Brown of Cherokee
Bailey	Bundy
Baker	Burkett
of Fort Bend	Burney
Baker of Grayson	Cauthorn
Bell	Celaya
Blankenship	Clark
Boethel	Cleveland
Bond	Cockrell
Boyd	Coleman
Bradbury	Colquitt
Bradford	Colson, Mrs.

Crossley	McAlister
Daniel	McDaniel
Davis of Jasper	McDonald
Derden	McMurry
Dickison	McNamara
Dickson	Mohrmann
Donaghey	Monkhouse
Dwyer	Montgomery
Faulkner	Newell
Felty	Nicholson
Ferguson	Oliver
Fuchs	Pace
Galbreath	Petsch
Goodman	Pevehouse
Gordon, Mrs.	Pope
Hale	Reader of Bexar
Hamilton	Reader of Erath
Hardeman	Reaves
Hardin	Reed
Harp	Rhodes
Harper	Riviere
Harrell of Bastrop	Roberts
Harrell of Lamar	Robinson
Harris	Russell
Holland	Schuenemann
Howard	Segrist
Howington	Shell
Hull	Skiles
Hunt	Smith of Frio
Isaacks	Smith of Hopkins
Johnson of Ellis	Spencer
Johnson of Tarrant	Stinson
Keith	Stoll
Kennedy	Tarwater
Kern	Vale
Kerr	Vint
Kersey	Voigt
King	Waggoner
Langdon	Wells
Lehman	Westbrook
Leonard	White
Little	Wilson
Lock	Winfree
Loggins	Wood
London	Worley
Mays	Wright

## Nays—9

Cornett	Tennant
Davis of Upshur	Thornberry
Roach	Thornton
Talbert	Weldon
Taylor	

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Boyer	Gilmer
Chambers	Hankamer
Corry	Hartzog
Dean	Heflin
Dowell	Leyendecker

McFarland	Smith
Morris	of Matagorda
Piner	Turner

## Absent—Excused

Fielden	Ragsdale
Kinard	

Mr. Johnson of Tarrant offered the following amendment to the bill:

Amend substitute to Senate Bill No. 75, page 3, line 15, by striking out the word "certainty," in said line, and inserting in lieu thereof, the word "continuity."

The amendment was adopted by the following vote:

## Yeas—121

Allison	Hamilton
Alsup	Hankamer
Bailey	Hardeman
Baker	Hardin
of Fort Bend	Harp
Baker of Grayson	Harper
Bell	Harrell of Bastrop
Blankenship	Harrell of Lamar
Boethel	Harris
Bond	Hartzog
Boyer	Holland
Bradford	Howard
Bray	Howington
Broadfoot	Hull
Brown of Cherokee	Isaacks
Bundy	Johnson of Ellis
Burkett	Johnson of Tarrant
Burney	Keith
Cauthorn	Kennedy
Celaya	Kern
Chambers	Kerr
Clark	Kersey
Cleveland	King
Cockrell	Langdon
Coleman	Lehman
Colquitt	Leonard
Colson, Mrs.	Little
Crossley	Lock
Daniel	Loggins
Davis of Jasper	London
Derden	Mays
Dickison	McAlister
Dickson	McDaniel
Donaghey	McDonald
Dowell	McFarland
Dwyer	McMurry
Faulkner	McNamara
Felty	Mohrmann
Ferguson	Monkhouse
Fuchs	Montgomery
Galbreath	Oliver
Goodman	Pace
Gordon, Mrs.	Petsch
Hale	Pevehouse



Reader of Bexar	Stinson
Reader of Erath	Stoll
Reaves	Talbert
Reed	Taylor
Rhodes	Thornton
Riviere	Vale
Roberts	Vint
Robinson	Voigt
Russell	Waggoner
Schuenemann	Wells
Segrist	Westbrook
Shell	White
Skiles	Wilson
Smith of Frio	Winfree
Smith of Hopkins	Wood
Smith of Matagorda	Worley
Spencer	Wright

## Nays—10

Allen	Newell
Boyd	Roach
Cornett	Tennant
Davis of Upshur	Thornberry
Hunt	Weldon

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Anderson	Leyendecker
Bradbury	Morris
Bridgers	Nicholson
Corry	Piner
Dean	Pope
Gilmer	Tarwater
Heflin	Turner

## Absent—Excused

Fielden	Ragsdale
Kinard	

Mr. Mays offered the following amendment to the bill:

Amend Senate Bill No. 75, by adding a new Section known as Section A, to read as follows:

"Nothing in this Act shall be so construed as to exterminate travel bureaus."

Mr. Johnson of Tarrant moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—60

Allison	Bond
Bell	Boyd
Boethel	Boyer

Bradford	Hull
Bray	Johnson of Ellis
Bridgers	Johnson of Tarrant
Broadfoot	Langdon
Bundy	Little
Burkett	Lock
Burney	Loggins
Cauthorn	McAlister
Celaya	McDaniel
Clark	McDonald
Cleveland	McMurry
Coleman	Oliver
Colquitt	Pace
Colson, Mrs.	Pope
Daniel	Reader of Bexar
Davis of Jasper	Reader of Erath
Donaghey	Reed
Felty	Rhodes
Gilmer	Russell
Goodman	Schuenemann
Gordon, Mrs.	Segrist
Hamilton	Shell
Hankamer	Smith of Frio
Hardeman	Stinson
Harp	Vint
Harris	Westbrook
Howington	Wright

## Nays—70

Allen	Leyendecker
Bailey	London
Baker	Mays
of Fort Bend	McFarland
Baker of Grayson	McNamara
Bradbury	Mohrmann
Brown of Cherokee	Monkhouse
Brown of Nacogdoches	Montgomery
Chambers	Morris
Crossley	Newell
Davis of Upshur	Petsch
Derden	Pevehouse
Dickison	Reaves
Dickson	Riviere
Dowell	Roach
Dwyer	Roberts
Faulkner	Robinson
Ferguson	Skiles
Galbreath	Smith of Hopkins
Hale	Smith of Matagorda
Hardin	Spencer
Harrell of Bastrop	Stoll
Harrell of Lamar	Talbert
Hartzog	Taylor
Holland	Tennant
Hunt	Thornberry
Isaacks	Thornton
Keith	Vale
Kennedy	Voigt
Kern	Waggoner
Kerr	Weldon
Kersey	Wells
King	White
Lehman	Wilson

Winfree	Worley
Wood	Absent
Alsup	Harper
Anderson	Heflin
Blankenship	Howard
Cockrell	Leonard
Cornett	Nicholson
Corry	Piner
Dean	Tarwater
Fuchs	Turner

Absent—Excused

Fielden	Ragsdale
Kinard	

Mr. McMurry moved the previous question on the pending amendment, and the final passage of Senate Bill No. 75, and the main question was ordered.

Question recurring on the amendment by Mr. Mays, it was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—66

Allen	Lehman
Bailey	Leyendecker
Baker	London
of Fort Bend	Mays
Baker of Grayson	McNamara
Bradbury	Mohrmann
Bray	Monkhouse
Brown of Cherokee	Montgomery
Brown	Morris
of Nacogdoches	Newell
Chambers	Pevehouse
Cockrell	Roach
Cornett	Robinson
Crossley	Skiles
Davis of Upshur	Smith of Hopkins
Derden	Smith
Dickison	of Matagorda
Dowell	Spencer
Faulkner	Stoll
Galbreath	Talbert
Hale	Taylor
Hardin	Tennant
Harper	Thornberry
Harrell of Bastrop	Thornton
Harrell of Lamar	Vale
Hartzog	Voigt
Holland	Waggoner
Hunt	Weldon
Isaacks	Wells
Keith	Wilson
Kennedy	Winfree
Kern	Wood
Kerr	Worley
Kersey	Wright
King	

Nays—64

Allison	Anderson
Alsup	Bell

Blankenship	Harp
Boethel	Harris
Bond	Howington
Boyd	Hull
Bradford	Johnson of Ellis
Bridgers	Johnson of Tarrant
Broadfoot	Langdon
Bundy	Little
Burkett	Lock
Burney	Loggins
Cauthorn	McAlister
Celaya	McDaniel
Clark	McFarland
Cleveland	McMurry
Coleman	Oliver
Colquitt	Pace
Daniel	Petsch
Davis of Jasper	Reader of Bexar
Dickson	Reader of Erath
Donaghey	Reed
Dwyer	Rhodes
Felty	Roberts
Ferguson	Russell
Fuchs	Schuenemann
Gilmer	Segrist
Goodman	Smith of Frio
Gordon, Mrs.	Stinson
Hamilton	Vint
Hankamer	Westbrook
Hardeman	White

Present—Not Voting

Reaves

Absent

Boyer	Nicholson
Colson, Mrs.	Piner
Corry	Pope
Dean	Riviere
Heflin	Shell
Howard	Tarwater
Leonard	Turner
McDonald	

Absent—Excused

Fielden	Ragsdale
Kinard	

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

Senate Bill No. 75 was then passed by the following vote:

Yeas—105

Allison	Blankenship
Alsup	Boethel
Anderson	Bond
Baker	Boyer
of Fort Bend	Bradford
Baker of Grayson	Bridgers
Bell	Broadfoot

Brown of Cherokee	Langdon
Bundy	Lehman
Burkett	Leonard
Burney	Leyendecker
Cauthorn	Little
Celaya	Lock
Clark	Loggins
Cleveland	London
Cockrell	McAlister
Coleman	McDaniel
Colquitt	McDonald
Colson, Mrs.	McFarland
Crossley	McMurry
Daniel	Mohrmann
Davis of Jasper	Monkhouse
Dickson	Montgomery
Donaghey	Nicholson
Dowell	Oliver
Dwyer	Pace
Felty	Petsch
Ferguson	Pevchouse
Fuchs	Pope
Galbreath	Reader of Bexar
Gilmer	Reader of Erath
Goodman	Reaves
Gordon, Mrs.	Reed
Hamilton	Rhodes
Hankamer	Riviere
Hardeman	Robinson
Hardin	Russell
Harp	Schuenemann
Harper	Segrist
Harrell of Lamar	Shell
Harris	Skiles
Hartzog	Smith of Frio
Holland	Smith of Hopkins
Howard	Stinson
Howington	Turner
Hull	Vint
Johnson of Ellis	Voigt
Johnson of Tarrant	Waggoner
Keith	Westbrook
Kern	White
Kerr	Winfree
Kersey	Worley
King	Wright

## Nays—36

Allen	Isaacks
Bailey	Kennedy
Boyd	Mays
Bradbury	McNamara
Bray	Morris
Brown	Newell
of Nacogdoches	Roach
Chambers	Roberts
Cornett	Smith
Davis of Upshur	of Matagorda
Derden	Spencer
Dickson	Stoll
Faulkner	Talbert
Hale	Taylor
Harrell of Bastrop	Tennant
Hunt	Thornberry

Thornton	Wells
Vale	Wilson
Weldon	Wood
	Absent
Corry	Piner
Dean	Tarwater
Heflin	Absent—Excused
Fielden	Ragsdale
Kinard	

Mr. Johnson of Tarrant moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

## SENATE BILL NO. 109 ON SECOND READING

The Speaker laid before the House, on its second reading, and passage to third reading,

S. B. No. 109, A bill to be entitled "An Act declaring all motor vehicle registration or license plates to be the property of the State Highway Commission of Texas until duly or lawfully purchased for use upon a motor vehicle owned by the purchaser thereof; declaring it unlawful for any Tax Assessor-Collector, Tax Collector or other officer, to sell, transfer, convey or otherwise deliver any registration or license plate for any consideration other than the full value thereof paid in lawful money, except in certain cases; declaring that any violation of the provisions of this Act shall constitute a misdemeanor and prescribing a punishment upon conviction; declaring the terms of this Act to be severable; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Keith offered the following committee amendment to the bill:

Amend Senate Bill No. 109, by striking out all below the enacting clause, and substituting therefor, the following:

"Section 1. That Section 1 of House Bill No. 6, Chapter 88, page 172, Acts, Forty-first Legislature, Second Called Session, as amended by House Bill No. 32, Chapter 23, page 151, Acts, Forty-first Legislature, Fifth Called Session be amended so that the same shall read, as follows:"

"Section 1. Definition of terms.—The following words and terms, as

used herein, have the meaning respectively ascribed to them in this Section, as follows:

(a) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved only by human power or used exclusively upon stationary rails or tracks.

(b) "Motor vehicle" means every vehicle, as herein defined, that is self-propelled.

(c) "Motorcycle" means every motor vehicle designed to propel itself on not more than three wheels in contact with the ground.

(d) "Truck-tractor" means every motor vehicle designed or used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(e) "Farm-tractor" means every motor vehicle designed and used primarily as a farm implement for drawing other implements of husbandry.

(f) "Road-tractor" means every motor vehicle designed or used for drawing other vehicles or loads, and not so constructed as to carry a load independently or any part of the weight of the drawn load or vehicle.

(g) "Trailer" means every vehicle designed or used to carry its load wholly on its own structure and to be drawn by a motor vehicle.

(h) "Semi-trailer" means every vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its load rests upon or is carried by another vehicle."

(i) "Commercial motor vehicle" means any motor vehicle other than a motorcycle designed or used for the transportation of property, including every vehicle used for delivery purposes.

(j) "Passenger car" means any motor vehicle other than a motorcycle or a bus, as defined in this Act, designed or used primarily for the transportation of persons.

(k) "Department" means the State Highway Department or its duly authorized officers or agents.

(l) "Owner" means any person, firm, corporation, or association of persons, who holds the legal title to a vehicle.

(m) "Permanently located" means the county in which the vehicle is stationed and in which it is or will

be principally operated for a period of not less than twelve months.

(n) "Public highway" shall include any road, street, way, thoroughfare or bridge in this State not privately owned or controlled for the use of vehicles over which the State has legislative jurisdiction under its police power.

(o) "Motor bus" shall include every vehicle, except those operated by muscular power or exclusively on stationary rails or tracks, which is used in transporting persons between or through two or more incorporated cities and/or towns and/or villages for compensation (or hire), whether operated over fixed routes or otherwise; except such of said vehicles as are operated exclusively within the limits of incorporated cities and/or towns or suburban additions to such towns.

(p) "Farm-trailer" means every "trailer" as defined in Subsection (g) herein, designed and used primarily as a farm vehicle.

(q) "Farm-semi-trailer" means every semi-trailer as defined in Subsection (h) herein, designed and used primarily as a farm vehicle.

(r) By "operated or moved temporarily upon the highways" is meant the operation or conveying between different farms, and the operation or conveyance from the owner's farm to the place where his farm produce is prepared for market or where same is actually marketed and return."

"Sec. 2. That Section 2 of House Bill No. 6, Chapter 88, page 172, Acts, Forty-first Legislature, Second Called Session, as amended by House Bill No. 32, Chapter 23, page 151, Acts, Forty-first Legislature, Fifth Called Session be amended so that the same shall hereafter read, as follows:

"Sec. 2. Every owner of a motor vehicle, trailer or semi-trailer used or to be used upon the public highways of this State shall apply each year to the State Highway Department, through any County Tax Collector, for the registration of each such vehicle owned by him, for the ensuing or current registration year or unexpired portion thereof; provided, however, that owners of farm tractors, farm trailers, farm-semi-trailers, and implements of husbandry, operated or moved temporarily upon the highways shall not be

required to register such farm-tractors, farm-trailers, farm-semi-trailers, or implements of husbandry; provided, however, that such farm-trailers and farm-semi-trailers are operated in conformity to all provisions of the law save and except the requirements as to registration and license, and providing further that the exemptions in this Section shall not apply to any farm-trailer or farm-semi-trailer when the gross weight exceeds 4,000 pounds; provided that no farm-trailer or farm-semi-trailer with metal tires shall be permitted to operate at a speed in excess of fifteen miles per hour, and further provided that the exemption in this Section shall not apply to any farm-trailer or farm-semi-trailer with steel tires of a width less than three inches operating in excess of fifteen miles per hour, and providing further that the exemption in this Section shall not apply to any farm-trailer or farm-semi-trailer when the same is used for hire; provided, however, it should be unlawful to operate any trailer or semi-trailer at nights without a rear red light or reflector."

"Sec. 3. That Section 10 of House Bill No. 6, Chapter 88, page 172, Acts, Forty-first Legislature, Second Called Session be amended so that the same shall read, as follows:

"Section 10. It is expressly provided by this Act that every license receipt, transfer receipt, and duplicate plate receipt shall have provided in a conspicuous place on the face thereof the name of the County in which the vehicle is permanently located or in which the owner thereof resides. It is further provided that the owner, in his application for registration of a vehicle, shall furnish the County Tax Collector the name of the county in which the vehicle is permanently located; or if a vehicle is principally operated for a period of not less than twelve (12) months in more than one county then he shall provide the County Tax Collector the name of the county in which he resides, or, if a corporation, where its principal place of business is located. It is further provided that it shall be mandatory for the owner of a vehicle to provide to the County Tax Collector his full address, including post office address, and the name of the county as herein provided, and no registration shall be made by any

County Tax Collector without this provision being complied with. It shall be a violation of the provisions of this Act for any owner to furnish to the County Tax Collector any false, fictitious, or misleading information as to the correct address or county as herein required. It shall be a violation of the provisions of this Act for any County Tax Collector or his deputies or agents knowingly to issue any receipt to any owner of a vehicle, as herein provided, containing false, fictitious, or misleading information or statements. Violation of any of the provisions of this Act shall constitute a misdemeanor and, upon conviction, shall be punishable by a fine in any sum not exceeding Two Hundred (\$200.00) Dollars, and each such violation shall constitute a separate offense. Any registration obtained as a result of such false, fictitious, or misleading information shall be prima facie void, and such owner shall be required to register such motor vehicle. It shall be the duty of the State Highway Department to investigate and determine all disputed classifications of registrations of vehicles and the county in which the vehicle is permanently located or the county of residence of the owner.

All collections for every classification of license fees, permits, transfers, duplicate plates, and duplicate receipts, less the statutory fees allowed by this Act, shall be remitted by each County Tax Collector on each Monday of the succeeding week to the State Highway Department, together with carbon copies of each receipt issued hereunder during the preceding week. The County Tax Collector shall also accompany all remittances to the Highway Department with a complete report of such collections made and disposition made thereof, the form and contents of said report to be prescribed by the State Highway Department.

There is hereby created a fund, to be known as the "Motor Vehicle Registration Fund," and it shall be the duty of the State Highway Department to deposit in the State Treasury, to the credit of such fund, all of the remittances received from the County Tax Collector as herein provided. It shall be the further duty of the State Highway Department to assemble and tabulate, once each month, all license receipts by the name of the county

in which the vehicle is permanently located or in which the owner resides, as provided in this Act, and to prepare a report for each county showing the number of vehicles registered and the total of the license fees paid thereon. Said report shall also state the amount of statutory deductions made by County Tax Collectors for the collection of license fees, and the net amount of license fees to be accounted for to each county. It shall further be the duty of the State Highway Department to file said report with each County Tax Collector each month, together with a carbon copy of each receipt; and it shall further be the duty of the State Highway Department to remit to the County Treasurer of each county, for the credit of the County Road and Bridge Fund, the amount of net license fees shown in said report as having been paid for the registration of motor vehicles permanently located in such county, or belonging to residents of such county until such time as the county has received a total for the current registration year equal to Fifty Thousand (\$50,000.00) Dollars. Thereafter, and until the amount so paid the County Treasurer for the credit of the County Road and Bridge Fund for the current registration year shall have reached a total of One Hundred and Seventy-five Thousand (\$175,000.00) Dollars, the State Highway Department shall remit fifty (50%) per cent of such net collections to the county. Thereafter, the State Highway Department shall make no further remittances to the County Treasurer for the County Road and Bridge Fund during the current registration year. Each month, after all remittances to the counties, as required hereunder, have been made, any balance remaining in the Motor Vehicle Registration Fund shall be transferred and credited to the State Highway Fund. None of the moneys so placed to the credit of the Road and Bridge Fund of a county shall be used to pay the salary or compensation of any County Judge or County Commissioners, but all said moneys shall be used for the construction and maintenance of lateral roads in such county under the supervision of the County Engineer, if there be one, and if there is no such engineer, then the County Commissioners' Court shall have authority to command the serv-

ices of the District Engineer of the State Highway Department for the purpose of supervising the construction and surveying of lateral roads in their respective counties. All funds allocated to the counties by the provisions of this Act may be used by the counties in the payment of obligations, if any, issued and incurred in the construction or the improvement of all roads, including State Highways of such counties and districts therein; or the improvement of the roads comprising the county road system.

There is hereby appropriated a sufficient amount out of the Motor Vehicle Registration Fund to the State Highway Department to cover salaries and other necessary expenses in administering this Act; provided, however, that no salaries shall be in excess of similar salaries for like positions included in the Departmental Appropriation Bill. None of the expenses of administering this Act shall be paid from the portion of the registration fees to which the various counties are entitled under the provisions hereof, but shall be paid from the State Highway Department's portion of such license fees."

"Section 4. If any Section, Subsection, paragraph, clause, or sentence of this Act for any reason be held invalid, such invalidity shall not affect the remaining portions of the Act, and the Legislature hereby declares that it would have enacted such remaining portions despite such invalidity."

"Section 5. Section 2a of House Bill No. 32, Chapter 23, page 151, Acts of the Forty-first Legislature, Fifth Called Session and any and all other laws or parts of laws in conflict herewith are repealed."

"Section 6. The public importance of the purposes sought to be accomplished by this Act creates an emergency and an imperative public necessity requiring that the Constitutional Rule providing that bills shall be read in each House on three several days be, and the same is hereby suspended, and that this Act shall take effect and be in force for all motor vehicles, trailers, and semi-trailers to be registered for the registration year beginning April 1, 1940, and for all succeeding registration years, and it is so enacted."

Mr. Keith offered the following amendment to the committee amendment:

Amend Senate Bill No. 109, by changing the word "for" to the word "over" in line 37, page 2 of the printed bill.

The amendment was adopted.

(Mr. Thornton in the Chair.)

Mr. Smith of Frio offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 109, page 2, line 37, by striking out the word "twelve" and insert in lieu thereof the word "three".

On motion of Mr. Keith, the amendment by Mr. Smith of Frio was tabled.

Mr. Bradbury offered the following amendment to the committee amendment:

Amend Senate Bill No. 109, by adding a new Section to read as follows and to be known as Subsection 2a:

"The Tax Collectors of the various counties may issue a special permit upon the payment of a Twenty-five (\$25.00) Dollar fee and such permit shall allow the owner of said permit to haul a load not to exceed fourteen thousand (14,000) pounds. Before said permit is issued the vehicle for which the permit is asked shall be approved by an employee of the Public Safety Department."

Mr. Keith raised a point of order, on the amendment by Mr. Bradbury, on the ground that the amendment is not germane to the bill.

The Chair sustained the point of order.

Mr. Tennant moved the previous question, on the pending amendment, and the passage of Senate Bill No. 109 to third reading, and the motion was not seconded.

Mr. Smith of Frio offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 109, page 2, line 37, by striking out the word "twelve", and inserting in lieu thereof the word "six".

On motion of Mr. Keith, the amendment by Mr. Smith of Frio was tabled.

Mr. Wright offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 109, by striking out the sentence on page 6 at line 18 of the printed bill which begins with the words "None of the monies" and ends with the words "in their respective counties", line 28.

Mr. Smith of Matagorda moved the previous question, on the pending amendments, and the passage of Senate Bill No. 109 to third reading, and the main question was ordered.

Question recurring on the amendment by Mr. Wright, it was lost.

Question then recurring on the committee amendment, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 109 was then passed to third reading.

#### SENATE BILL NO. 109 ON THIRD READING

Mr. Keith moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 109 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110

Allen	Chambers
Allison	Cleveland
Alsup	Cockrell
Bailey	Coleman
Baker	Colquitt
of Fort Bend	Cornett
Baker of Grayson	Crossley
Bell	Daniel
Boethel	Davis of Jasper
Bond	Derden
Boyd	Dickison
Bradbury	Dickson
Bradford	Dowell
Bridgers	Faulkner
Broadfoot	Ferguson
Brown of Cherokee	Galbreath
Brown	Gilmer
of Nacogdoches	Goodman
Bundy	Hamilton
Burkett	Hankamer
Burney	Hardeman
Cauthorn	Harp

Harper	Piner
Harrell of Bastrop	Pope
Harrell of Lamar	Reader of Bexar
Harris	Reader of Erath
Holland	Reaves
Howington	Reed
Hull	Riviere
Hunt	Roach
Isaacks	Roberts
Johnson of Ellis	Robinson
Johnson of Tarrant	Russell
Keith	Segrist
Kennedy	Skiles
Kern	Smith of Hopkins
Kerr	Smith
King	of Matagorda
Langdon	Spencer
Lehman	Stinson
Leyendecker	Stoll
Lock	Talbert
London	Tarwater
Mays	Tennant
McAlister	Thornberry
McDaniel	Turner
McFarland	Vale
McMurry	Vint
McNamara	Voigt
Mohrmann	Waggoner
Monkhouse	Weldon
Morris	Wells
Newell	White
Nicholson	Wilson
Pace	Wood
Petsch	Worley
Pevehouse	

## Nays—22

Anderson	Kersey
Boyer	Little
Clark	Loggins
Colson, Mrs.	McDonald
Davis of Upshur	Montgomery
Donaghey	Oliver
Fuchs	Rhodes
Gordon, Mrs.	Smith of Frio
Hardin	Westbrook
Heflin	Winfree
Howard	Wright

## Absent

Blankenship	Hale
Bray	Hartzog
Celaya	Leonard
Corry	Schuenemann
Dean	Shell
Dwyer	Taylor
Felty	Thornton

## Absent—Excused

Fielden	Ragsdale
Kinard	

The Chair then laid Senate Bill No. 109 before the House on third reading and final passage.

The bill was read third time.

Mr. Vint offered the following amendment to the bill:

Amend committee amendment No. 1 to Senate Bill No. 109, page 2, line 37, by striking out the words "a period of not less than twelve months" and inserting the following: "the greater part of the next full registration period or the remaining part of registration period in case of first registration of new vehicle."

The amendment was unanimously adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 109 was then passed by the following vote:

## Yeas—102

Allison	Hankamer
Alsup	Hardeman
Bailey	Harper
Baker	Harrell of Bastrop
of Fort Bend	Harris
Baker of Grayson	Holland
Boethel	Howard
Bond	Hull
Boyd	Hunt
Bradbury	Isaacks
Bradford	Johnson of Ellis
Bridgers	Johnson of Tarrant
Broadfoot	Keith
Brown of Cherokee	Kennedy
Bundy	Kern
Burkett	Kerr
Burney	King
Cauthorn	Langdon
Cleveland	Lehman
Coleman	Lock
Colquitt	London
Cornett	Mays
Crossley	McAlister
Daniel	McDaniel
Derden	McFarland
Dickison	McNamara
Dickson	Mohrmann
Dowell	Monkhouse
Dwyer	Morris
Faulkner	Newell
Felty	Pace
Ferguson	Petsch
Galbreath	Pevehouse
Gilmer	Piner
Goodman	Pope
Hale	Reader of Bexar
Hamilton	Reader of Erath



Reaves	Talbert
Reed	Tarwater
Riviere	Tennant
Roach	Thornberry
Roberts	Turner
Robinson	Vale
Russell	Vint
Segrist	Voigt
Skiles	Waggoner
Smith of Hopkins	Weldon
Smith	Wells
of Matagorda	White
Spencer	Wilson
Stinson	Wood
Stoll	Worley

## Nays—29

Allen	Kersey
Boyer	Leyendecker
Bray	Little
Chambers	Loggins
Clark	McDonald
Davis of Jasper	McMurry
Davis of Upshur	Montgomery
Donaghey	Nicholson
Fuchs	Oliver
Gordon, Mrs.	Rhodes
Hardin	Smith of Frio
Harp	Westbrook
Harrell of Lamar	Winfree
Heflin	Wright
Howington	

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Anderson	Dean
Bell	Hartzog
Blankenship	Leonard
Celaya	Schuenemann
Cockrell	Shell
Colson, Mrs.	Taylor
Corry	Thornton

## Absent—Excused

Fielden	Ragsdale
Kinard	

Mr. Keith moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 5 ON SECOND  
READING

The Chair laid before the House, on its second reading and passage to third reading,

S. B. No. 5, A bill to be entitled "An Act repealing House Bill No. 170, Chapter 91 of the Acts of the First

Called Session of the Forty-first Legislature, 1929, and providing for the creation of a Legislative Audit Committee; and fixing its duties and providing for the appointment thereof, and declaring an emergency."

The bill was read second time.

Question—Shall Senate Bill No. 5 pass to third reading?

HOUSE BILL NO. 978 WITH SEN-  
ATE AMENDMENTS

Mr. London called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 978, A bill to be entitled "An Act amending House Bill No. 11, Acts of the Regular Session of the Forty-sixth Legislature."

On motion of Mr. London, the House concurred in the Senate amendments by the following vote:

## Yeas—132

Allen	Dickison
Allison	Dickson
Alsup	Donaghey
Bailey	Dowell
Baker	Dwyer
of Fort Bend	Faulkner
Baker of Grayson	Felty
Bell	Ferguson
Boethel	Fuchs
Bond	Galbreath
Boyd	Gilmer
Boyer	Goodman
Bradbury	Gordon, Mrs.
Bradford	Hale
Bray	Hamilton
Bridgers	Hankamer
Broadfoot	Hardeman
Brown of Cherokee	Hardin
Brown	Harp
of Nacogdoches	Harper
Bundy	Harrell of Bastrop
Burkett	Harrell of Lamar
Burney	Harris
Cauthorn	Hartzog
Celaya	Heflin
Chambers	Holland
Clark	Howard
Cleveland	Howington
Cockrell	Hull
Coleman	Hunt
Colquitt	Isaacks
Colson, Mrs.	Johnson of Tarrant
Cornett	Kennedy
Crossley	Kern
Daniel	Kerr
Davis of Jasper	Kersey
Davis of Upshur	King
Derden	Langdon

Leonard	Robinson
Leyendecker	Russell
Little	Schuenemann
Loggins	Segrist
London	Shell
Mays	Skiles
McAlister	Smith of Frio
McDaniel	Smith of Hopkins
McDonald	Smith
McFarland	of Matagorda
McMurry	Spencer
McNamara	Stinson
Mohrmann	Stoll
Monkhouse	Talbert
Montgomery	Tarwater
Morris	Tennant
Newell	Thornberry
Oliver	Turner
Pace	Vale
Petsch	Vint
Pevehouse	Voigt
Piner	Waggoner
Pope	Weldon
Reader of Erath	Wells
Reaves	Westbrook
Reed	Wilson
Rhodes	Winfree
Riviere	Wood
Roach	Worley
Roberts	

Nays—1

Wright

Absent

Anderson	Lock
Blankenship	Nicholson
Corry	Reader of Bexar
Dean	Taylor
Johnson of Ellis	Thornton
Keith	White
Lehman	

Absent—Excused

Fielden	Ragsdale
Kinard	

**ENDORISING CERTAIN PROGRAM**

Mr. Tennant offered the following resolution:

H. S. R. No. 247, Endorsing certain program in regard to solution of economic problems.

Whereas, Since 1929 this Country has been in the throes of an economic depression which has resulted in a tremendous increase in unemployment occasioned by stagnation in industry, and which is likewise to the particular detriment of agriculture resulting in a vast surplus of agricultural and horticultural products and this Country has been faced with the anomalous situation of an abundance of those

things which are necessary to human existence with the inability on the part of many of our citizens, through ordinary gainful employment, to procure the necessities of life, this situation being one to challenge the best thought of our people; and

Whereas, Roy G. Terry of Kilgore, Texas, has conceived a plan of economic recovery based upon tried and tested business and merchandising principles to involve the correlated assistance of manufacturers in all key industries, the medium of the press and the radio in cooperation with various civic organizations to the end that a national and concerted demand may be stimulated for various commodities that affect our national economy and by means of which added consumption may reduce over-stocks of the basic commodities and products of our key industries through stimulating retail sales. This plan contemplates the organization of newspapers, radio and national magazines into a coordinated campaign based upon the primary appeal to our citizenship for cooperation in rehabilitating our economic structure through added consumption of the basic commodities. This plan in a second step contemplates the organization of producers, manufacturers and wholesalers in a cooperative drive to promote retail sales over a period of twelve weeks, which drive will be national in its scope. The third step is to organize the various civic organizations throughout the Nation in cooperating with such producers, manufacturers, wholesalers and retailers, the press, the radio and the national magazines by securing pledges from the various business enterprises in the cities, towns and communities throughout the United States to the end that full cooperation may be had in correlating local advertising with the national program and to the further end that each retail merchant throughout the Nation be induced to employ an additional sales person or other worker on the basis of one for each \$50,000.00 volume done during the previous twelve months period, such added employee to be retained throughout the twelve week National Retail Sales Promotion period, and thereafter for four weeks or longer, depending upon the trend of business at the determination of the concerted recovery drive, such employees to be employed at a rate of pay current to

the community in which they are engaged; and

Whereas, Based upon the experience of national sales organization it can be safely estimated that through such cooperative efforts of all concerned national retail sales can be doubled during the twelve week period, which would result in an added retail business of Eighteen Billion Dollars during the period of such twelve week sales campaign, which sales volume would necessarily result in a very material reduction of the basic commodities which are now held in excess of the present normal requirements and tend to increase and stabilize employment, promote the general welfare and rehabilitation to a very large extent the depressed condition that has befallen business, and further result in improving the mental attitude of the people generally toward business conditions; and

Whereas, It is felt that if the people of the Nation would respond to such a recovery movement consumption, particularly from Texas produced farm products, would result in direct and incalculable benefit to the agricultural and live stock industry of Texas and the Nation generally, and encourage the idea that in the final analysis recovery from economic calamity rests within the peculiar ability of the people themselves; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That the program of Mr. Terry be endorsed and encouraged and that he be commended for his intelligent foresight in undertaking to work out a solution of economic problems, and that he be commended for his unselfish efforts in this behalf, and that he also be commended to the favorable consideration of those who should be interested in promoting a campaign of this kind to effect the results sought.

TENNANT,  
BRAY.

The resolution was read second time, and was adopted.

#### BILL ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Hamilton, House Bill No. 1020 was ordered not printed.

#### AMENDING CAPTIONS OF CERTAIN BILLS

On motion of Mr. Burkett, and by unanimous consent of the House, the caption of House Bill No. 967 was ordered amended to conform to all changes and with the body of the bill.

On motion of Mr. Petsch, and by unanimous consent of the House, the caption of House Bill No. 879 was ordered amended to conform to all changes and with the body of the bill.

On motion of Mr. Hardin, and by unanimous consent of the House, the caption of House Bill No. 984 was ordered amended to conform to all changes and with the body of the bill.

#### SENATE BILL NO. 437 LAID ON THE TABLE

On motion of Mr. Heflin, Senate Bill No. 437 was laid on the table.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 27, 1939.  
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted:

S. C. R. No. 42, Requesting the Governor to return Senate Bill No. 70 to the House and Senate for correction.

The Senate has passed

H. B. No. 978, A bill to be entitled "An Act amending House Bill No. 11, Acts of the Regular Session of the Forty-sixth Legislature." (With amendments.)

Respectfully,

BOB BARKER.

Secretary of the Senate.

#### PROVIDING FOR CERTAIN INVESTIGATION

Mr. Petsch offered the following resolution:

H. C. R. No. 117, Providing for certain investigation.

Whereas, At a meeting of the Chamber of Commerce of Houston, Texas, one B. Frank Johnson, Secretary of the Texas Motor Transportation Association, is alleged to have made the statement to the effect that the "truckers" at one time "paid a Member of the House \$600.00 to support bills favored by the As-

sociation," and to have further stated that the Member "carried the \$600.00 around in his pocket a whole day, and then he came back and put the money on our desk and said, "Boys, I can't do it"; and

Whereas, Said purported statement was published in at least one of the largest newspapers circulated in the State of Texas, and by virtue of such fact the charge against the Legislature constitutes a public and serious indictment of the honesty and integrity of the Members of the Texas Legislature as a whole; and

Whereas, Such charges and indictment will doubtless be taken seriously by many citizens of Texas, and will cause many such citizens to believe that chicanery and bribery is practiced extensively in the Texas Legislature concerning the promotion or defeat of legislative matters contrary to the welfare of the citizenship as a whole; and

Whereas, The people of Texas are entitled to the actual truths concerning the aforementioned charges; and

Whereas, Other charges relating to poker playing between lobbyists and Members of the Legislature, in which the latter were permitted to win large sums of money, and still other charges of graft and corruption have been made by different persons and at different times during the present Legislature; and

Whereas, The people of Texas are entitled to an impartial and thorough investigation of any and all charges relating to the honesty of the State officials, especially the Members of the Texas Legislature; and

Whereas, Due to the great amount of business at this time pending before the Legislature of Texas it is impossible for a legislative committee to make prompt investigation of the aforementioned conditions; and

Whereas, The Travis County Grand Jury will be impaneled on next Monday morning and such Grand Jury has full and complete jurisdiction to conduct a thorough investigation of all the hereinbefore mentioned subjects and conditions; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the District Attorney and Grand Jury of Travis County be respectfully petitioned and requested to investigate the aforementioned charges and any and all matters in relation thereto, that the Attorney General's

Department and the Department of Public Safety be requested to lend full aid and assistance to such an extent as may be requested by the District Attorney and the Grand Jury of Travis County in relation to the requested investigation; and, be it further

Resolved, That upon the conclusion of such investigation the Grand Jury of Travis County make such report as may be authorized by law to the Speaker of the House of Representatives and the Lieutenant Governor of Texas with the view of enabling such officials to determine whether or not the remedy of expulsion should be invoked against any Members of the Texas Legislature who may be found guilty of any irregularities or official misconduct; and, be it further

Resolved, That the Grand Jury of Travis County be requested to give such publicity to the matter under investigation as is authorized by law and as will be conducive and beneficial to the subject under investigation and the citizenship of Texas.

PETSCH,  
HARDEMAN,  
HUNT,  
CROSSLEY.

The resolution was read second time.

Mr. Hardin moved that the resolution be referred to the Committee on State Affairs.

Mr. Kerr moved to table the motion to refer.

The motion to table prevailed.

Mr. McAlister moved that further consideration of the resolution be postponed until 10:30 o'clock a. m., next Monday.

Mr. Keith moved the previous question on the motion to postpone the resolution, and the main question was ordered.

Question recurring on the motion to postpone, it was lost.

Question then recurring on the resolution by Mr. Petsch, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—118

Allen	Baker
Allison	of Fort Bend
Alsup	Baker of Grayson
Anderson	Bell
Bailey	Boethel

Bond	Leonard
Boyd	Little
Boyer	Lock
Bradbury	Loggins
Bray	London
Bridgers	Mays
Broadfoot	McDonald
Brown of Cherokee	McFarland
Brown	McMurry
of Nacogdoches	McNamara
Bundy	Mohrmann
Burkett	Monkhouse
Cauthorn	Montgomery
Celaya	Morris
Chambers	Newell
Cleveland	Oliver
Coleman	Pace
Colquitt	Petsch
Colson, Mrs.	Pevehouse
Cornett	Piner
Crossley	Pope
Daniel	Reader of Erath
Davis of Jasper	Reaves
Derden	Reed
Dickison	Rhodes
Donaghey	Riviere
Dowell	Roach
Dwyer	Roberts
Faulkner	Russell
Ferguson	Schuenemann
Galbreath	Segrist
Gilmer	Skiles
Goodman	Smith of Frio
Gordon, Mrs.	Smith of Hopkins
Hamilton	Smith
Hankamer	of Matagorda
Hardeman	Spencer
Harp	Stinson
Harper	Stoll
Harrell of Bastrop	Talbert
Harrell of Lamar	Tarwater
Harris	Tennant
Hartzog	Thornberry
Heflin	Turner
Holland	Vale
Howington	Voigt
Hunt	Waggoner
Isaacks	Weldon
Johnson of Ellis	Wells
Keith	Westbrook
Kennedy	Wilson
Kern	Winfree
Kerr	Wood
Kersey	Worley
King	Wright
Lehman	

## Nays—15

Bradford	Hale
Burney	Hardin
Cockrell	Howard
Davis of Upshur	Hull
Dickson	Johnson of Tarrant
Felty	Langdon

McAlister	Robinson
McDaniel	

## Present—Not Voting

Clark	Vint
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## Absent

Blankenship	Reader of Bexar
Corry	Shell
Dean	Taylor
Fuchs	Thornton
Leyendecker	White
Nicholson	

## Absent—Excused

Fielden	Ragsdale
Kinard	

Mr. Petsch moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

## REASON FOR VOTE

I voted against House Concurrent Resolution No. 117, not because I did not favor the investigation, but the resolution is so discriminatory against Truck Load Limit bill, in which I am vitally interested.

BURNEY.

## ADDITIONAL SIGNERS OF HOUSE BILL NO. 313

Mr. Westbrook and Mr. Oliver were authorized to sign House Bill No. 313, as co-authors of same.

## BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 6, "An Act declaring the floods of Harris County, Texas, to be a public calamity; authorizing a donation and grant to Harris County Flood Control District of one-half of the State ad valorem taxes collected in Harris County for flood control improvement and maintenance purposes, etc., and declaring an emergency."

S. B. No. 13, "An Act to amend Sections Nos. 7, 16, 22, 23, 24, 25, 28, 30, 35, 37, and 42 of Senate Bill No. 111, passed at the Second Called Session of the Forty-first Legislature, and known as Chapter 61, page 100,

of the General Laws passed at said Second Called Session of the Forty-first Legislature, and by adding four new Sections to said Chapter to be known as Sections numbered 10a, 38a, 38b, and 58a, so as to provide for the supervision and control of building and loan associations; providing for the appointment of a building and loan supervisor, building and loan examiners and other employees, and providing for their qualifications; providing for joint examinations by certain regulatory authorities, and authorizing the furnishing of information by such examiners to other regulatory officers and authorities; providing that remedies therein contained are accumulative, and declaring an emergency."

S. B. No. 303, "An Act creating a Conservation and Reclamation District composed of Kerr County, to be known as the Upper Guadalupe River Authority, pursuant to and for the purposes set forth in Section 59-a of Article 16, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, conferring thereon all powers, rights, privileges and functions conferred by General Law upon districts created pursuant to said Section 59-a, except as expressly limited, conferring certain powers thereon, including power of control, storage, preservation, use and distribution of the waters of the Guadalupe River and its tributaries, and declaring an emergency."

S. B. No. 86, "An Act declaring and designating the Brazoria County coast line a State Park and dedicating it to the general public for use as a Texas State Park, and declaring an emergency."

S. B. No. 57, "An Act amending Article 2237 of the Revised Statutes, by dispensing with bills of exception to action on written motions, and declaring an emergency."

S. B. No. 268, "An Act to amend Article 545, Section 2, Chapter 9, Revised Civil Statutes of the State of Texas, 1925, and to add a new Article to Article 548 to be hereinafter known as Article 548a; repealing all

laws in conflict herewith, and declaring an emergency."

H. B. No. 286, "An Act providing for the standardization of potatoes, tomatoes and other vegetables by means of the compulsory inspection, grading, classification and marking thereof under the authority of the Commissioner of Agriculture of the State of Texas; adopting the United States grades and standards for vegetables and authorizing the Commissioner to adopt other, different and additional standards not directly in conflict therewith; directing and empowering the Commissioner to establish, promulgate and publish rules and regulations to effectuate the terms and provisions of this Act, etc., and declaring an emergency."

#### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Burney:

H. B. No. 1025, A bill to be entitled "An Act permitting the use of a one inch net for taking suckers, carp, buffalo and shad from Bosque River, in Hamilton County; prohibiting the use of any other seine or net except a minnow seine; providing a penalty; repealing all conflicting laws, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Harrell of Bastrop:

H. B. No. 1028, A bill to be entitled "An Act providing that certain independent school districts in certain counties shall remain independent school districts for all purposes regardless of decrease in scholastic population, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Daniel:

H. B. No. 1029, A bill to be entitled "An Act making it unlawful to kill or attempt to kill deer or wild turkey or molest same in Liberty County for a period of five (5) years; providing a penalty; repealing all conflicting laws, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Daniel:

H. B. No. 1030, A bill to be entitled "An Act amending Article 3902, Section 1, of the Revised Civil Statutes of 1925, by adding Section 1a, providing for salaries of heads of departments which may be appointed by the Commissioners' Courts of counties having a population of not less than nineteen thousand and five hundred (19,500), and not more than nineteen thousand and nine hundred (19,900), according to the last Federal Census, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Goodman asked unanimous consent, (on yesterday), to introduce, and have placed on first reading, House Bill No. 1026.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Goodman:

H. B. No. 1026, A bill to be entitled "An Act to aid Red Bluff Water Power Control District, a conservation and reclamation district, due to a calamity caused by drought and to grant aid to said District as a conservation district under the provisions of the Constitution and granting and donating to such District for a period of two (2) years, fifty (50%) per cent of all State ad valorem taxes for general revenue purposes in the Counties of Loving, Reeves, Ward and Pecos, and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Holland asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1027.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Holland:

H. B. No. 1027, A bill to be entitled "An Act amending Article 2350 of the Revised Civil Statutes of 1925, as amended by the Forty-fifth Legislature so as to add thereto a new Section known as 2350 (5), providing for actual and necessary traveling expenses for Commissioners in the con-

duct of office in certain counties, and providing for source of payment of such expenses and approval thereof, and declaring an emergency."

Referred to the Committee on Counties.

### MOTION TO INTRODUCE CERTAIN BILL

Mr. Hardin moved to introduce, at this time, and have placed on first reading, the following bill:

By Mr. Hardin, Mr. White and Mr. Harper:

A bill to be entitled "An Act making emergency appropriations for certain school districts in this State; setting out the amount of such appropriations; defining the locations of such school districts coming under this Act; prescribing purposes of such appropriations; naming school districts coming under provisions of this Act; fixing the mode and manner of distribution of moneys derived from this appropriation, and declaring an emergency."

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

### Yeas—89

Bailey	Goodman
Baker	Gordon, Mrs.
of Fort Bend	Hale
Baker of Grayson	Hamilton
Bell	Hardin
Boethel	Harp
Boyd	Harper
Boyer	Harrell of Bastrop
Bradbury	Harrell of Lamar
Bradford	Harris
Brown of Cherokee	Holland
Bundy	Howard
Burkett	Howington
Burney	Hull
Cauthorn	Hunt
Chambers	Johnson of Ellis
Cockrell	Johnson of Tarrant
Colson, Mrs.	Kennedy
Cornett	Kern
Crossley	Kerr
Davis of Jasper	Kersey
Davis of Upshur	King
Dickison	Langdon
Dickson	Lehman
Donaghey	Leonard
Dowell	Lock
Felty	McAlister
Ferguson	McDonald
Galbreath	McMurry
Gilmer	Mohrmann

Monkhouse	Russell
Montgomery	Skiles
Morris	Smith of Hopkins
Oliver	Spencer
Pace	Talbert
Petsch	Thornberry
Pevehouse	Vale
Piner	Vint
Pope	Weldon
Reader of Erath	Wells
Reaves	Westbrook
Rhodes	Wilson
Roach	Winfree
Roberts	Worley
Robinson	Wright

## Nays—31

Allen	McNamara
Allison	Newell
Alsup	Nicholson
Bray	Reed
Clark	Riviere
Cleveland	Schuenemann
Coleman	Segrist
Colquitt	Smith of Frio
Faulkner	Stinson
Hankamer	Stoll
Keith	Tarwater
Little	Tennant
London	Voigt
Mays	Waggoner
McDaniel	Wood
McFarland	

## Present—Not Voting

Bond	Brown of Nacogdoches
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## Absent

Anderson	Heflin
Blankenship	Isaacks
Bridgers	Leyendecker
Broadfoot	Loggins
Celaya	Reader of Bexar
Corry	Shell
Daniel	Smith
Dean	of Matagorda
Derden	Taylor
Dwyer	Thornton
Hardeman	Turner
Hartzog	White

## Absent—Excused

Fielden	Kinard
Fuchs	Ragsdale

## REASON FOR VOTE

In view of the fact that the Legislature has remitted millions of dollars of taxes for causes with no greater merit than this I believe introduction of this bill should be permitted.

SPENCER.

## HOUSE JOINT RESOLUTION ON FIRST READING

Mr. Bray asked unanimous consent, (on yesterday), to introduce, and have placed on first reading, House Joint Resolution No. 42.

There was no objection.

The Speaker then laid the resolution before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Bray:

H. J. R. No. 42, Proposing an amendment to Article 16 of the Constitution of the State of Texas, by adding thereto a new Section to be known as Section 5a, providing State, district, and county officers shall take office on first day of month succeeding month in which general election held; making person holding elective office of State, senatorial, representative or judicial district, or of county ineligible to hold a different elective office unless he shall communicate his resignation from the office to the Governor; providing the time and manner of such communication; making resignation irrevocable; providing for effective date of resignation; providing unexpired portion of term of office vacated by such resignation to be filled at next general election by vote of people; said resolution further providing for the necessary publication and election to be had; and making an appropriation to pay therefor.

Referred to the Committee on Constitutional Amendments.

## MOTION TO INTRODUCE HOUSE JOINT RESOLUTION

Mr. Reader of Bexar moved to introduce, at this time, and have placed on first reading, the following House Joint Resolution.

By Mr. Reader of Bexar:

A Joint Resolution, Proposing an amendment to the Constitution of the State of Texas by adding to Article 16 another Section, Section 62, authorizing a three-quarter century mark celebration and exposition observing seventy-five years of Negro freedom and citizenship; providing that the Legislature may designate and approve the time, place, and manner of such celebration and exposition; authorizing the Legislature to make appropriations for the support and



maintenance thereof; and providing that such authorization shall not be construed to authorize appropriations for any other future celebration or exposition.

The motion was lost by the following vote:

## Yeas—19

Anderson	Hull
Bond	Isaacks
Cockrell	Montgomery
Colson, Mrs.	Morris
Dickison	Roach
Dowell	Spencer
Dwyer	Thornberry
Gordon, Mrs.	Winfree
Hardin	Worley
Holland	

## Nays—95

Allen	Hunt
Allison	Johnson of Tarrant
Alsup	Keith
Bailey	Kennedy
Baker of Grayson	Kern
Bell	Kerr
Boethel	Kersey
Boyd	Langdon
Boyer	Lehman
Bradbury	Leonard
Bradford	Little
Bray	London
Broadfoot	Mays
Brown of Cherokee	McAlister
Bundy	McDaniel
Burkett	McDonald
Burney	McFarland
Cauthorn	McMurry
Chambers	McNamara
Clark	Mohrmann
Cleveland	Monkhouse
Coleman	Newell
Cornett	Oliver
Crossley	Pace
Davis of Jasper	Petsch
Davis of Upshur	Pevehouse
Dickson	Piner
Faulkner	Pope
Felty	Reader of Erath
Ferguson	Reaves
Galbreath	Rhodes
Gilmer	Riviere
Goodman	Roberts
Hale	Robinson
Hamilton	Russell
Hankamer	Segrist
Hardeman	Skiles
Harp	Smith of Frio
Harper	Smith of Hopkins
Harrell of Lamar	Smith
Harris	of Matagorda
Howington	Stinson

Stoll	Weldon
Talbert	Wells
Tarwater	Westbrook
Vale	Wilson
Vint	Wood
Waggoner	Wright

## Present—Not Voting

Brown	Lock
of Nacogdoches	Tennant

## Absent

Baker	Johnson of Ellis
of Fort Bend	King
Blankenship	Leyendecker
Bridgers	Loggins
Celaya	Nicholson
Colquitt	Reader of Bexar
Corry	Reed
Daniel	Schuenemann
Dean	Shell
Derden	Taylor
Donaghey	Thornton
Hartzog	Turner
Heflin	Voigt
Howard	White

## Absent—Excused

Fielden	Kinard
Fuchs	Ragsdale
Harrell of Bastrop	

## RECESS

Mr. Reed moved that the House recess until 3:00 o'clock p. m., today.

Mr. Reader of Erath moved that the House recess until 2:30 o'clock p. m., today.

The motion of Mr. Reed prevailed, and the House, accordingly, at 12:35 o'clock p. m., took recess until 3:00 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 3:00 o'clock p. m., and was called to order by the Speaker.

## LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. McAlister was granted leave of absence for the balance of the day, on account of illness, on motion of Mr. Leonard.

Mr. Bell was granted leave of absence temporarily for this afternoon, on account of important business, on motion of Mr. Thornton.

**BILL ORDERED NOT PRINTED**

(By unanimous consent)

On motion of Mr. Holland, House Bill No. 1027 was ordered not printed.

**HOUSE BILL NO. 256 WITH SENATE AMENDMENTS**

Mr. Thornton called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 256, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the Eleemosynary and Reformatory Institutions of the State of Texas for the two year period beginning September 1, 1939, and ending August 31, 1941, and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations, and declaring an emergency."

Mr. Thornton moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

**HOUSE BILL NO. 257 WITH SENATE AMENDMENTS**

Mr. Thornton called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 257, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1939, and ending August 31, 1941; requiring certain fees paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion, and declaring an emergency."

Mr. Thornton moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the dif-

ferences between the two Houses on the bill.

The motion prevailed.

**MOTIONS TO RE-REFER**

Mr. Dickison moved that House Bill No. 196 be withdrawn from the Committee on Municipal and Private Corporations, and referred to the Committee on Education.

Mr. Alsop raised a point of order, on consideration of the motion, at this time, on the ground that the routine motion period has expired.

The Speaker sustained the point of order.

Mr. White moved that House Bill No. 138 be withdrawn from the Committee on Appropriations, and referred to the Committee on Education.

Mr. Alsop raised a point of order, on consideration of the motion, at this time, on the ground that the routine motion period has expired.

The Speaker sustained the point of order.

**SENATE BILL NO. 5 ON PASSAGE TO THIRD READING**

The House resumed consideration of pending business, same being Senate Bill No. 5, providing for creation of a Legislative Audit Committee, etc., on its passage to third reading.

The bill having been read second time, on this morning.

Mr. Isaacks moved that further consideration of the bill be postponed until next Thursday.

Mr. Hankamer moved, as a substitute motion, that further consideration of Senate Bill No. 5 be postponed until 10:30 o'clock a. m., next Wednesday.

The substitute motion prevailed.

**SENATE BILL NO. 111 ON SECOND READING**

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 111, A bill to be entitled "An Act to amend Chapter 93, Acts of the First Called Session of the Forty-first Legislature of the State of Texas, further defining the duties of the Commissioner of Agriculture, providing certain safeguards for the purchasers of seed produced outside

of Texas and shipped into Texas, providing that seed sold as registered and certified in Texas meet Texas standards, requiring permit to ship certain planting seed into Texas, providing fees for such permits, clarifying certain terms used under the seed certification program, providing penalties, and declaring an emergency."

The bill was read second time.

Mr. Cleveland offered the following committee amendment to the bill:

Amend Senate Bill No. 111, Subsection B of Section 4, on line 8, by striking out the words "or less," following the word "pound" and insert in lieu thereof, the words "or fraction thereof."

(Mr. Leonard in the Chair.)

Mr. Morris moved that further consideration of Senate Bill No. 111 be postponed until 2:30 o'clock p. m., next May 7.

Mr. Chambers moved to table the motion to postpone.

The motion to table prevailed.

Question recurring on the committee amendment by Mr. Cleveland, it was adopted.

Mr. Cleveland offered the following committee amendment to the bill:

Amend Senate Bill No. 111 where the word "cotton" appears, add after the word "cotton," the words "corn," "alfalfa."

The committee amendment was adopted.

Mr. Cleveland offered the following committee amendment to the bill:

Amend Senate Bill No. 111, Subsection E of Section 4, on page 5, after the word "Texas," by striking out the remainder of line 4, through lines 5 and 6.

The committee amendment was adopted.

Mr. Langdon offered the following amendment to the bill:

Amend Senate Bill No. 111, Section 4, Subsection (d), by striking out in line 15, the following words, "Pure Seed Fund," and by striking out all of lines 16 and 17 and substituting therefor, the following: "General Revenue Fund of this State."

LANGDON,  
DANIEL.

Mr. Wood offered the following substitute for the amendment by Mr. Langdon:

Amend Senate Bill No. 111, page 6, line 15, by striking out all beginning with the word "pure" in said line and all of lines 16 and 17 and insert the following: "General Revenue Fund, and paid out only by a direct appropriation of the Legislature."

The substitute amendment was adopted.

The amendment, as substituted, was then adopted.

Mr. Piner offered the following amendment to the bill:

Amend Senate Bill No. 111, by striking out all of line 37, page 1, of the printed bill.

On motion of Mr. Chambers the amendment was tabled.

Mr. White offered the following amendment to the bill:

Amend Senate Bill No. 111, Section 4, Subsection A, line 2, by striking out the following: "Appoint a sufficient number of inspectors," and substituting therefor, the following: "Not appoint any additional inspectors but shall delegate the duties incurred by the provisions of this Act to such inspectors that are already employed by the Department of Agriculture."

The amendment was adopted.

Mr. Alsup offered the following amendment to the bill:

Amend Senate Bill No. 111, by adding a new Section to be known as Section 1 (i), and to read as follows:

"(i) The salaries to be paid herein shall never exceed the amounts appropriated for the same purposes by the Legislature in the Departmental Appropriation Bill for the biennium ending August 31, 1941. Expenditures from said fees shall also be subject to the provisions appearing in said Departmental Appropriation Bill and said fees shall only be expended when authorized by the Legislature by an appropriation."

ALSUP,  
THORNTON,  
HANKAMER.

The amendment was adopted.

Mr. Morris offered the following amendment to the bill:

Amend Senate Bill No. 111, page 4, Subsection (D), by striking out all words after the word "issued," down to Subsection (e).

Mr. Chambers moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—78

Allen	Little
Allison	Lock
Anderson	Loggins
Boethel	Mays
Bond	McDonald
Bradbury	McFarland
Bray	McMurry
Brown of Cherokee	McNamara
Brown of Nacogdoches	Montgomery
Bundy	Oliver
Burkett	Pace
Burney	Petsch
Cauthorn	Pevehouse
Chambers	Reader of Bexar
Clark	Reader of Erath
Cleveland	Reaves
Cockrell	Reed
Colson, Mrs.	Rhodes
Crossley	Riviere
Davis of Jasper	Roberts
Dickison	Robinson
Donaghey	Russell
Faulkner	Schuenemann
Fuchs	Segrist
Galbreath	Shell
Gordon, Mrs.	Smith
Hamilton	of Matagorda
Hardeman	Spencer
Hartzog	Stinson
Holland	Stoll
Howard	Talbert
Howington	Taylor
Hull	Tennant
Hunt	Turner
Johnson of Ellis	Vale
Kennedy	Vint
Kern	Voigt
King	Weldon
Lehman	Wilson
	Winfree

## Nays—47

Alsup	Daniel
Bailey	Davis of Upshur
Baker	Dowell
of Fort Bend	Felty
Baker of Grayson	Ferguson
Bell	Gilmer
Boyd	Hale
Boyer	Hankamer
Bradford	Hardin
Bridgers	Harp
Colquitt	Harper

Harrell of Lamar	Nicholson
Harris	Piner
Isaacks	Roach
Keith	Skiles
Kerr	Smith of Hopkins
Kersey	Thornberry
Langdon	Thornton
Leyendecker	Waggoner
London	Wells
Mohrmann	White
Monkhouse	Wood
Morris	Worley
Newell	Wright

## Absent

Blankenship	Fielden
Broadfoot	Goodman
Celaya	Heflin
Coleman	Johnson of Tarrant
Cornett	Leonard
Corry	McDaniel
Dean	Pope
Derden	Smith of Frio
Dickson	Tarwater
Dwyer	Westbrook

## Absent—Excused

Harrell of Bastrop	McAlister
Kinard	Ragsdale

Mr. Bradbury moved the previous question on the passage of Senate Bill No. 111 to third reading, and the main question was ordered.

Mr. Alsup (by unanimous consent) offered the following amendment to the bill:

Amend Senate Bill No. 111, Section 1, Subsection 4a, page 3, by striking out the comma following the word "fund" in line 13 and inserting in lieu therefor a period, and by striking out the balance of 13, and all of lines 14, 15, 16 and 17.

ALSUP,  
THORNTON,  
HANKAMER.

The amendment was adopted.

Mr. Alsup (by unanimous consent) offered the following amendment to the bill:

Amend Senate Bill No. 111, Section 1, Subsection 4(d), page 4, by striking out the comma at the end of line 16, and inserting in lieu therefor a period, and striking out all of line 17.

ALSUP,  
THORNTON,  
HANKAMER.

The amendment was adopted.

Mr. Hale moved to reconsider the vote by which the previous question was ordered.

Mr. Bradbury moved to table the motion to reconsider.

The motion to table prevailed.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

Question recurring on the passage of Senate Bill No. 111 to third reading, yeas and nays were demanded.

Senate Bill No. 111 was then passed to third reading by the following vote:

#### Yeas—97

Allen	Hull
Alsup	Hunt
Anderson	Johnson of Tarrant
Bailey	Kennedy
Baker	Kern
of Fort Bend	King
Boethel	Langdon
Bond	Lehman
Bradbury	Leyendecker
Bradford	Lock
Bray	Loggins
Broadfoot	Mays
Brown of Cherokee	McDaniel
Brown	McDonald
of Nacogdoches	McFarland
Bundy	McMurry
Burkett	McNamara
Burney	Newell
Cauthorn	Oliver
Celaya	Pace
Chambers	Petsch
Clark	Pevehouse
Cleveland	Pope
Cockrell	Ragsdale
Colson, Mrs.	Reader of Bexar
Corry	Reader of Erath
Crossley	Reaves
Daniel	Reed
Davis of Jasper	Rhodes
Dickison	Riviere
Dickson	Roach
Donaghey	Roberts
Faulkner	Robinson
Ferguson	Russell
Fuchs	Schuenemann
Galbreath	Segrist
Gilmer	Shell
Gordon, Mrs.	Skiles
Hamilton	Smith of Hopkins
Hardeman	Smith
Harp	of Matagorda
Harper	Spencer
Holland	Stinson
Howard	Stoll
Howington	Talbert

Tarwater  
Taylor  
Turner  
Vale  
Vint

Voigt  
Weldon  
Westbrook  
Wilson  
Winfree

#### Nays—37

Allison	Little
Baker of Grayson	London
Boyd	Mohrmann
Boyer	Monkhouse
Bridgers	Montgomery
Cornett	Morris
Davis of Upshur	Nicholson
Dowell	Piner
Felty	Smith of Frio
Hale	Tennant
Hankamer	Thornberry
Hardin	Thornton
Harrell of Lamar	Waggoner
Harris	Wells
Isaacks	White
Johnson of Ellis	Wood
Keith	Worley
Kerr	Wright
Kersey	

#### Absent

Blankenship	Fielden
Coleman	Goodman
Colquitt	Hartzog
Dean	Heflin
Derden	Leonard
Dwyer	

#### Absent—Excused

Bell	Kinard
Harrell of Bastrop	McAlister

Mr. Chambers moved to reconsider the vote by which the bill was passed to third reading, and to table the motion to reconsider.

The motion to table prevailed.

#### MOTION TO PLACE SENATE BILL NO. 111 ON THIRD READING

Mr. Cleveland moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 111 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

#### Yeas—97

Allen	Baker
Alsup	of Fort Bend
Anderson	Boethel

Bond	Lehman
Bradbury	Lock
Bradford	Loggins
Bray	Mays
Broadfoot	McDaniel
Brown of Cherokee	McDonald
Brown	McFarland
of Nacogdoches	McMurry
Bundy	McNamara
Burkett	Montgomery
Burney	Newell
Cauthorn	Oliver
Celaya	Pace
Chambers	Petsch
Clark	Pevehouse
Cleveland	Pope
Cockrell	Ragsdale
Colson, Mrs.	Reader of Bexar
Crossley	Reader of Erath
Daniel	Reaves
Davis of Jasper	Reed
Derden	Rhodes
Dickison	Riviere
Dickson	Roach
Donaghey	Roberts
Faulkner	Robinson
Ferguson	Russell
Fuchs	Schuenemann
Galbreath	Segrist
Gilmer	Shell
Goodman	Skiles
Gordon, Mrs.	Smith of Hopkins
Hamilton	Smith
Hardeman	of Matagorda
Hardin	Spencer
Harp	Stinson
Harper	Stoll
Hartzog	Talbert
Heflin	Tarwater
Holland	Taylor
Howington	Turner
Hull	Vale
Hunt	Voigt
Kennedy	Weldon
Kern	Westbrook
King	Wilson
Langdon	Winfree

## Nays—36

Allison	Johnson of Tarrant
Bailey	Keith
Baker of Grayson	Kerr
Boyd	Kersey
Boyer	Little
Bridgers	London
Cornett	Mohrmann
Corry	Monkhouse
Davis of Upshur	Morris
Hale	Nicholson
Hankamer	Piner
Harrell of Lamar	Smith of Frio
Harris	Tennant
Isaacks	Thornberry
Johnson of Ellis	Thornton

Waggoner	Wood
Wells	Worley
White	Wright

## Absent

Blankenship	Felty
Coleman	Fielden
Colquitt	Howard
Dean	Leonard
Dowell	Leyendecker
Dwyer	Vint

## Absent—Excused

Bell	Kinard
Harrell of Bastrop	McAlister

(Speaker in the Chair.)

## PROVIDING FOR COMMITTEE OF THE WHOLE HOUSE

Mr. Daniel offered the following resolution:

H. S. R. No. 253, Providing for Committee of the Whole House.

Whereas, It has been reported to the House of Representatives by the committee appointed by the House to investigate the activities of the Texas Pension Union that one of the officers of the organization, Jan Anderson, though duly summoned by the committee, has failed and refused to appear and testify; and

Whereas, The said committee also subpoenaed the books and records under the control of the said Jan Anderson in order that it might investigate the activities of Jan Anderson and the Texas Pension Union alleged to consist of taking money from the aged people of Texas under false promises that it was necessary to contribute in order to obtain legislation for old age pensions; and

Whereas, The said Jan Anderson has hidden or disposed of said records and refuses to bring them before the committee; and having told the Committee of this House to "go to hell," and by such action said person is obstructing and has obstructed the proceedings of the committee and the House of Representatives; all of which charges have been made and filed herewith by the investigating committee through its chairman, Mr. Johnson of Tarrant; therefore, be it

Resolved, That the House of Representatives hereby resolve itself into a Committee of the Whole for the purpose of citing the said Jan Anderson, of Bexar County, Texas, now

residing in Travis County, Texas, to appear before the Committee of the Whole to show cause why he should not be held in contempt and punished by the House of Representatives for obstructing its proceedings, and that said committee limit its hearings and deliberations strictly to evidence concerning the failure and refusal of said person to appear as aforesaid and evidence concerning the alleged contempt and obstructing proceedings of the House and its committee, and that the Committee of the Whole report back its findings and recommendations for the punishment of said Jan Anderson if found guilty, after a full, fair and impartial hearing; and that said Committee of the Whole shall have the right in accordance with the law to recess and adjourn from time to time, and shall immediately upon organization subpoena and summons the said Jan Anderson to appear before it on Friday morning, April 28, 1939, to show cause why he shall not be held in contempt and punished for obstructing the proceedings of the Texas House of Representatives.

All summons and processes shall be signed either by the Speaker or the Chairman of the Committee of the Whole, and the committee shall have all powers given to Legislative Investigating Committees by Article 5961 and 5962 of the Revised Civil Statutes of 1925, and the committee shall have the power to punish for contempt the same as the District Courts of this State.

And, that the committee heretofore appointed to investigate the activities of the Texas Pension Union shall constitute the Steering Committee for the Committee of the Whole.

The resolution was read second time.

Mr. Smith of Matagorda moved the previous question on the resolution, and the main question was ordered.

Question recurring on the resolution by Mr. Daniel, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—78

Allen	Bradford
Allison	Bray
Boethel	Bundy
Bond	Burkett
Boyer	Cauthorn

Celaya	Little
Chambers	Loggins
Cleveland	Mays
Cockrell	McDonald
Colquitt	McFarland
Corry	McMurry
Crossley	Monkhouse
Daniel	Montgomery
Dickison	Morris
Dickson	Nicholson
Donaghey	Oliver
Dowell	Pace
Dwyer	Petsch
Faulkner	Piner
Ferguson	Pope
Fuchs	Ragsdale
Galbreath	Reader of Bexar
Hale	Reader of Erath
Hamilton	Reaves
Hankamer	Riviere
Hardeman	Smith of Frio
Hardin	Smith of Hopkins
Harp	Smith
Harper	of Matagorda
Heflin	Spencer
Holland	Stoll
Howard	Talbert
Howington	Tarwater
Isaacks	Thornton
Johnson of Tarrant	Turner
Keith	Voigt
Kern	Waggoner
Kerr	Winfree
Kersey	Wright
Lehman	

Nays—57

Alsup	King
Anderson	Langdon
Bailey	Leyendecker
Baker	Lock
of Fort Bend	McDaniel
Baker of Grayson	McNamara
Boyd	Mohrmann
Bradbury	Newell
Bridgers	Pevehouse
Broadfoot	Reed
Brown of Cherokee	Rhodes
Burney	Roach
Clark	Roberts
Coleman	Robinson
Colson, Mrs.	Russell
Cornett	Schuenemann
Davis of Jasper	Segrist
Davis of Upshur	Skiles
Dean	Stinson
Derden	Taylor
Gilmer	Tennant
Gordon, Mrs.	Thornberry
Harrell of Lamar	Vale
Harris	Vint
Hunt	Weldon
Johnson of Ellis	Wells
Kennedy	Westbrook

White	Wood
Wilson	Worley

Present—Not Voting

Brown  
of Nacogdoches

Absent

Blankenship	Hull
Felty	Leonard
Goodman	London
Hartzog	Shell

Absent—Excused

Bell	Kinard
Fielden	McAlister
Harrell of Bastrop	

Mr. Daniel moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

#### REASON FOR MY VOTE ON THE DANIEL RESOLUTION

I voted "nay" on the resolution which sought and ordered one Jan Anderson, a pension union organizer, to be brought before the House to answer a contempt charge for the following reasons, namely:

That on last Tuesday, April 25, I introduced a resolution asking for an investigation of the loan shark activities. In this resolution I incorporated a newspaper article taken from the Austin American of April 11, 1939.

This article carried the names of several defendant loan companies which were being sued by the Travis County attorney, in an effort to stop their usurious rate charging activities which were in violation of the law.

Among the defendants listed in this said article appeared the following names: "Home Service Finance Company, a corporation with Senator Vernon Lemens as its president and manager." Because this article carried the name of a Senator, who according to the records of the Secretary of State's office, is chairman of the Board of Directors of the loan company.

Many Members of the House sought and were successful in having the Senator's name expunged from the record. Whether it was because they felt that the acts of a Senator, or his company, if questionable, should

not be placed in the record so the public could see his or its activities in their true light, I am unable to say.

Therefore, if the House by its action succeeded in having a Senator's name not put to public scrutiny then it appeared to me that Jan Anderson, a private citizen should share the same fortune.

The Senator who is chairman of the board of directors of a loan company in Austin and many loan companies in Austin are charged at this time with collecting very high interest rates on loans to the poor borrower, is no better than Jan Anderson, head of a pension union who collects money from beloved old people without returning benefit. Therefore, if the name of the Senator cannot be mentioned in the Journal then the name of Jan Anderson should not be mentioned in the Journal nor should his conduct be questioned because he is a private citizen rather than a State official.

My philosophy is that we should do unto all alike; thus, my reason for my vote is explained.

JOHNSON of Ellis.

#### HOUSE BILL NO. 949 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 949, A bill to be entitled "An Act providing for hospitalization and full pay for certain officials during period of injuries received while in actual discharge of their duties as such officials; defining and naming such officials; repealing all laws and parts of laws in conflict, and declaring an emergency."

The bill was read second time.

Mr. McDaniel offered the following committee amendment to the bill:

Amend House Bill No. 949, by striking out all of Section 1 of said bill, and by inserting in lieu thereof, the following:

"Section 1. That from and after the effective date of this Act the governing bodies of all counties in this State shall provide for full salary for all Sheriffs, Constables, Deputy Sheriffs and Deputy Constables, who are paid on a salary basis, during such periods of time as such officers may be incapacitated because of in-



juries received while in the discharge of their respective official duties, and said governing bodies shall provide for all hospitalization fees including nurses, doctors bills and medical attention of all Sheriffs, Constables, Deputy Sheriffs and Deputy Constables in all counties in this State while incapacitated from injury or injuries received or incurred while in active discharge of the duties of his office and only in such case, whether such officials are paid on a salary basis or by fees; provided, however, that the fees for hospitalization as hereinabove set out shall be the actual and necessary fees and charges during the actual period of hospitalization and to include doctors fees, hospital fees, nurses fees and medicines and such hospitalization shall be paid only upon the itemized sworn account presented for such fees; such itemization and accounts shall be furnished by the party in charge of the hospital and the doctor or doctors attending the patient. It being the purpose of this Act to provide for full payment of salary for the above officials in all counties in this State operating on the salary basis and to pay hospitalization fees for all officials named herein whether such county operates on a salary basis or on the fee system. It is provided, however, that the provisions of this Act and the benefits thereunder shall not exceed a period of time in excess of six (6) months as the result of any one injury."

The amendment was adopted.

(Mr. Thornton in the Chair.)

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Mr. Faulkner moved that House Bill No. 949 be tabled.

The motion was lost.

Question recurring on the engrossment of House Bill No. 949, yeas and nays were demanded.

House Bill No. 949 was then passed to engrossment by the following vote:

#### Yeas—99

Allen	Bailey
Allison	Baker
Alsup	of Fort Bend
Anderson	Baker of Grayson

Boethel	Lehman
Bond	Leonard
Boyer	Leyendecker
Bradbury	Little
Bradford	Lock
Bridgers	London
Broadfoot	Mays
Brown of Cherokee	McDaniel
Bundy	McMurry
Burkett	Mohrmann
Burney	Monkhouse
Cauthorn	Montgomery
Chambers	Nicholson
Clark	Oliver
Cleveland	Pace
Cockrell	Pevehouse
Coleman	Pope
Colquitt	Reader of Bexar
Daniel	Reader of Erath
Davis of Jasper	Reaves
Davis of Upshur	Rhodes
Derden	Riviere
Dickison	Roach
Dickson	Robinson
Donaghey	Schuenemann
Dowell	Segrist
Dwyer	Shell
Fuchs	Smith of Frio
Galbreath	Smith of Hopkins
Goodman	Smith
Hamilton	of Matagorda
Hardeman	Spencer
Hardin	Stinson
Harp	Stoll
Harris	Talbert
Hartzog	Tarwater
Heflin	Taylor
Holland	Tennant
Howard	Thornberry
Hull	Turner
Hunt	Wells
Isaacks	Westbrook
Johnson of Ellis	White
Johnson of Tarrant	Winfree
Kennedy	Worley
Kern	Wright
Kerr	

#### Nays—20

Cornett	Langdon
Dean	McFarland
Faulkner	McNamara
Ferguson	Roberts
Gilmer	Russell
Gordon, Mrs.	Skiles
Hale	Vint
Howington	Voigt
Keith	Waggoner
King	Weldon

#### Present—Not Voting

Brown	Vale
of Nacogdoches	Wilson

## Absent

Blankenship	Kersey
Boyd	Loggins
Bray	McDonald
Celaya	Morris
Colson, Mrs.	Newell
Corry	Petsch
Crossley	Piner
Felty	Reed
Hankamer	Thornton
Harper	Wood
Harrell of Lamar	

## Absent—Excused

Bell	Kinard
Fielden	McAlister
Harrell of Bastrop	Ragsdale

Mr. McDaniel moved to reconsider the vote by which the bill was engrossed, and to table the motion to reconsider.

The motion to table prevailed.

## HOUSE BILL NO. 949 ON THIRD READING

Mr. McDaniel moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 949 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—105

Allen	Clark
Allison	Cleveland
Alsup	Cockrell
Anderson	Coleman
Bailey	Colquitt
Baker	Davis of Jasper
of Fort Bend	Davis of Upshur
Baker of Grayson	Derden
Blankenship	Dickison
Boethel	Dickson
Bond	Dowell
Boyd	Dwyer
Boyer	Ferguson
Bradbury	Fuchs
Bradford	Galbreath
Bray	Goodman
Bridgers	Hamilton
Broadfoot	Hankamer
Brown of Cherokee	Hardeman
Brown	Hardin
of Nacogdoches	Harp
Bundy	Harper
Burkett	Harris
Burney	Hartzog
Cauthorn	Holland
Chambers	Howard

Hull	Reed
Isaacks	Rhodes
Johnson of Ellis	Riviere
Johnson of Tarrant	Roach
Kennedy	Robinson
Kern	Schuenemann
Kerr	Segrist
Lehman	Shell
Leonard	Skiles
Leyendecker	Smith of Frio
Little	Smith
Lock	of Matagorda
Mays	Stinson
McAlister	Stoll
McDaniel	Talbert
McMurry	Tarwater
Mohrmann	Taylor
Monkhouse	Tennant
Montgomery	Thornberry
Oliver	Turner
Pace	Vale
Petsch	Wells
Pevehouse	Westbrook
Pope	White
Ragsdale	Winfree
Reader of Bexar	Wood
Reader of Erath	Worley
Reaves	Wright

## Nays—21

Cornett	Langdon
Crossley	London
Faulkner	McFarland
Gilmer	McNamara
Gordon, Mrs.	Roberts
Hale	Russell
Howington	Spencer
Hunt	Voigt
Keith	Waggoner
Kersey	Weldon
King	

## Present—Not Voting

Donaghey

## Absent

Celaya	McDonald
Colson, Mrs.	Morris
Corry	Newell
Daniel	Nicholson
Dean	Piner
Felty	Smith of Hopkins
Harrell of Bastrop	Thornton
Harrell of Lamar	Vint
Heflin	Wilson
Loggins	

## Absent—Excused

Bell	Kinard
Fielden	

The Chair then laid House Bill No. 949 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—103

Allen	Johnson of Ellis
Allison	Johnson of Tarrant
Alsup	Kennedy
Anderson	Kern
Bailey	Kerr
Baker	Kersey
of Fort Bend	King
Baker of Grayson	Lehman
Blankenship	Leonard
Boethel	Leyendecker
Bond	Little
Boyd	Mays
Boyer	McDaniel
Bradbury	Monkhouse
Bradford	Newell
Bray	Nicholson
Bridgers	Pace
Broadfoot	Petsch
Brown of Cherokee	Pevehouse
Brown	Pope
of Nacogdoches	Reader of Bexar
Bundy	Reader of Erath
Burkett	Reaves
Burney	Reed
Cauthorn	Rhodes
Chambers	Riviere
Clark	Roach
Cleveland	Robinson
Cockrell	Schuenemann
Coleman	Segrist
Colquitt	Shell
Crossley	Skiles
Daniel	Smith of Frio
Davis of Jasper	Smith of Hopkins
Davis of Upshur	Spencer
Derden	Stinson
Dickison	Stoll
Dickson	Talbert
Dowell	Tarwater
Ferguson	Taylor
Fuchs	Tennant
Galbreath	Thornberry
Goodman	Turner
Hamilton	Vale
Hankamer	Wells
Hardin	Westbrook
Harp	White
Harper	Wilson
Harris	Winfree
Heflin	Wood
Holland	Worley
Hull	Wright
Isaacks	

## Nays—20

Cornett	Howington
Faulkner	Hunt
Gilmer	Keith
Gordon, Mrs.	Langdon
Hale	London

McFarland	Russell
McNamara	Vint
Mohrmann	Voigt
Oliver	Waggoner
Roberts	Weldon

## Present—Not Voting

Donaghey

## Absent

Celaya	Lock
Colson, Mrs.	Loggins
Corry	McDonald
Dean	McMurry
Dwyer	Montgomery
Felty	Morris
Hardeman	Piner
Harrell of Lamar	Smith
Hartzog	of Matagorda
Howard	Thornton

## Absent—Excused

Bell	Kinard
Fielden	McAlister
Harrell of Bastrop	Ragsdale

Mr. McDaniel moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.  
(Speaker in the Chair.)

IN COMMITTEE OF THE  
WHOLE HOUSE

(Mr. Thornton in the Chair.)

On motion of Mr. Daniel, the House, at 5:10 o'clock p. m., resolved itself into a Committee of the Whole House, for the purpose of considering matters pursuant to House Simple Resolution No. 253.

(The Committee of the Whole House, at 5:20 o'clock p. m., took recess until 9:00 o'clock a. m., tomorrow.)

## APPENDIX

## STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Public Health: House Bill No. 818.

Municipal and Private Corporations: House Bill No. 1007.

Public Lands and Buildings: House Bill No. 916.

Game and Fisheries: House Bills Nos. 699, 1017, 1018, 1021, 1022 and 1023; Senate Bills Nos. 240 and 413.

Judiciary: House Bills Nos. 975 and 990; Senate Bill No. 365.

Revenue and Taxation: Senate Bill No. 206.

Appropriations: House Bills Nos. 686 and 1019; Senate Bill No. 432.

Counties: House Bills Nos. 1024 and 1027; Senate Bill No. 121.

State Affairs: House Bills Nos. 961 and 1026; Senate Bills Nos. 99 and 176.

The Committee on Judiciary filed an adverse report on House Bill No. 659.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 25, 1939.

Hon. R. Emmett Morse, Speaker of  
The House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 255, A bill to be entitled  
"An Act fixing and determining a  
method of per capita appropriations  
for educational institutions of higher  
learning, and declaring the policy  
thereof; prescribing certain rules and  
regulations to be followed in determin-  
ing said appropriations; requiring  
audits; making appropriations for the  
support, maintenance, buildings and  
improvements of the several State In-  
stitutions of Higher Learning for the  
two fiscal years, beginning September  
1, 1939, and ending August 31, 1941,  
both dates inclusive; and for certain  
other educational agencies of the  
State; prescribing certain restrictions  
concerning the expenditures of said  
appropriations; containing a savings  
clause, and declaring an emergency."

Has carefully compared same and  
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 26, 1939.

Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 669, A bill to be entitled  
"An Act creating the Lower Concho  
River Water and Soil Conservation  
Authority as a body politic and cor-  
porate, defining its boundaries, speci-  
fying its powers and duties; providing  
for its officers and amount and man-  
ner of compensating the same, and

their duties and powers; providing for  
the issuance of bonds and the pay-  
ment thereof; providing for the sale  
of certain properties and the condi-  
tions of such sales; providing for ac-  
cepting aid from and cooperating with  
the Federal Government, the State  
Government, and to cooperate and  
assist other soil and water districts  
and associations, organized for soil  
and water conservation; and for an  
appropriation, and declaring an emer-  
gency."

Has carefully compared same and  
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 26, 1939.

Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 740, A bill to be entitled  
"An Act validating certain bonds in  
cities in the State of Texas operating  
under the General Laws of the State  
and located in counties having a popu-  
lation less than twenty-seven thou-  
sand, five hundred (27,500) and more  
than twenty-seven thousand, four hun-  
dred (27,400), according to the last  
preceding United States Census, which  
bonds have been heretofore voted sub-  
sequent to enactment of Chapter 382,  
Acts of the First Called Session of  
the Forty-fourth Legislature of Texas,  
1935, and which bonds are payable  
out of the revenue to be derived from  
the operation of a municipal light and  
power distribution system, and declar-  
ing an emergency."

Has carefully compared same and  
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 26, 1939.

Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 879, A bill to be entitled  
"An Act authorizing and directing  
the Commissioner of the General Land  
Office of the State of Texas to deed,  
convey and transfer all right, title and  
interest of whatsoever class, kind or  
character directly or indirectly be-  
longing to the State of Texas, in and  
to that tract of land known as the  
Blanco State Park, which said tract of  
land is located in the City of Blanco,

Blanco County, Texas, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 26, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 967, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than six thousand, two hundred (6,200) and not more than six thousand, two hundred and twenty-five (6,225) whether organized under General or Special Law, repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 26, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 984, A bill to be entitled "An Act conferring additional powers on school districts having a relatively large percentage of delinquent taxes including power to borrow money and issue obligations secured by such taxes and to make supplementary pledges of taxes hereafter becoming delinquent to secure the release of funds pledged for such obligations; providing that the provisions of this Act may be cumulative of all other laws, but that in the event of conflict, the provisions hereof shall prevail; enacting provisions incident to and relating to the subject, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 26, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1010, A bill to be entitled "An Act providing for a rural school

music supervisor in certain counties; prescribing the duties of said supervisor; prescribing the method of employing the supervisor; providing for removal of such supervisor by the County Board of School Trustees on recommendation of the County Superintendent; prescribing manner of fixing and paying salary, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 116, Instructing the Enrolling Clerk of the House to make certain corrections in House Bill No. 84.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 115, Extending to the delegates of the convention convening in Toronto, Canada, an invitation to hold their next Quadrennial Convention in the State of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 114, Authorizing the Texas Livestock Sanitary Commission to sell and dispose of certain fence.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 117, Requesting that the Grand Jury of Travis County be

petitioned to investigate certain charges made against a Member of the House of Representatives.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred,

H. B. No. 286, "An Act to be known as the 'Tomato Standardization and Inspection Act' to be effective during the Texas Tomato Marketing Season as defined in the Act; providing for the standardization of tomatoes by means of the compulsory inspection, grading, classification, and marking thereof under the authority of the Commissioner of Agriculture of the State of Texas; defining certain terms; adopting the United States grades and standards for tomatoes and authorizing the Commissioner to adopt other different and additional grades and standards not directly in conflict therewith; directing and empowering the Commissioner to establish, promulgate, and publish rules and regulations to effectuate the terms and provisions of this Act; providing for the publication of rules and regulations of the Commissioner and appeal therefrom; prohibiting the Commissioner, his agents, inspectors, and employees from engaging in the business of buying and/or selling tomatoes; providing for inspection and certification of shipments of tomatoes in and/or from the State of Texas defining the terms 'Inspectors and/or agents and/or employees' of the Commissioner; providing for the form of certification; authorizing the Commissioner to enter into cooperative agreements with the United States Department of Agriculture for the inspection and/or grading and/or certification of tomatoes; providing for the expenses of the enforcement of this Act by means of contributions from growers and/or shippers of tomatoes and/or by virtue of cooperative agreement between the Commissioner and the United States Department of Agriculture; providing that this law

shall be self-financing and that no appropriation shall be required; limiting the amount of contribution for inspection; making notice to the Commissioner by packers and/or shippers of tomatoes and their intention to ship mandatory; providing that certificates issued under and by virtue of Act shall be prima facie evidence of the truth of their contents in all Courts of the State of Texas; authorizing the Commissioner to prescribe containers for use in the shipment of tomatoes and regulating the re-use of such container; defining 'deceptive pack' and providing that 'deceptive pack' shall be unlawful; making certain exclusions; providing for the proper marking of packages, parcels, and containers of tomatoes shipped in and/or from the State of Texas; providing penalties for violation of this Act; making this Act cumulative of all laws now on the Statutes of the State of Texas; repealing all Statutes or parts of Statutes directly in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 851, "An Act amending Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, as amended by Section 1 of Chapter 15 of the Acts of the Forty-fifth Legislature, Regular Session of 1937, so as to provide for the termination of the Act on September 1, 1941; providing all other Sections of the Act shall remain in full force and effect; providing all offenses, liabilities, penalties, or forfeitures, civil or criminal, incurred because of violation of said Act shall be instituted and proceeded with in all respects as if said Section 20 had read in its original enactment the same as provided for in this Act; providing the procedure prescribed in said Chapter 76 shall be followed in all prosecutions and suits now pending or hereafter instituted, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

## SENT TO THE GOVERNOR

April 27, 1939

House Bill No. 851.

House Bill No. 286.

## SIXTY-FOURTH DAY

(Continued)

(Friday, April 28, 1939)

IN COMMITTEE OF THE WHOLE  
HOUSE

(Mr. Thornton, chairman, in the Chair.)

## IN THE HOUSE

(Mr. Leonard in the Chair.)

The House met and was called to order by Mr. Leonard.

Mr. Thornton, Chairman of the Committee of the Whole House, reported to the House that the committee desired to rise and report progress.

## LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Harrell of Bastrop was granted leave of absence for yesterday afternoon, on account of important business, on motion of Mr. Cornett.

Mr. Dean was granted temporary leave of absence for this morning, on account of important committee work, on motion of Mr. Leonard.

Mr. Wilson was granted leave of absence for this morning, on account of important business, on motion of Mr. McNamara.

HOUSE BILL NO. 50 ON PAS-  
SAGE TO ENGROSSMENT

The Chair laid before the House, as pending business, on its passage to engrossment,

H. B. No. 50, A bill to be entitled "An Act providing for licensing of operators, commercial operators and chauffeurs; defining certain terms; providing for certain exemptions; prohibiting issuance of licenses to certain persons; making it unlawful for certain persons to operate a school bus or any motor vehicle while in use as a public or common carrier of persons; providing for application for operators', commercial operators' and chauffeurs' licenses; providing for

signing of application of minors and cancellation of minors' license upon application, and/or death of signatory; providing for examinations of applicants for operators', commercial operators' and chauffeurs' licenses, providing for the issuance of operators', commercial operators' and chauffeurs' licenses, and duplicates thereof; providing for the issuance of restricted operators', commercial operators' and chauffeurs' licenses, providing a penalty for a violation of the restrictions imposed and for the revocation or suspension of restricted licenses; relating to the carrying of a license by the licensee and exhibiting same, etc., and declaring an emergency."

The bill having been read second time on last Monday with amendment by Mr. Hull, pending.

Mr. Thornberry offered the following amendment to the amendment by Mr. Hull:

Amend the Hull substitute to House Bill No. 50, by striking Section 13 of said substitute and substituting in lieu thereof, the following:

"Sec. 13. License to be carried and exhibited on demand.

Every licensee shall have his operator's, commercial operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a magistrate or any officer of a court of competent jurisdiction or any peace officer. It shall be a defense to any charge under this Section that the person so charged produce in court an operator's, commercial operator's or chauffeur's license theretofore issued to such person and valid at the time of his arrest."

Mr. McAlister moved to table the amendment by Mr. Thornberry.

The motion to table was lost.

Question then recurring on the amendment by Mr. Thornberry, it was adopted.

Mr. Thornberry offered the following amendment to the amendment by Mr. Hull:

Amend Hull substitute for House Bill No. 50 on page 5, Section 6(b), by striking out the following words, beginning on line 2: "and shall bear, for the purpose of more positive identification, and in order to prevent fraud, and for the purpose of a more